

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,)	3:21-CR-236-E
Government,)	
)	
VS.)	DALLAS, TEXAS
)	
WILLIAM ROY STONE, JR.,)	
JOSEPH EVENTINO DELEON,)	
Defendants.)	August 3, 2023

TRANSCRIPT OF JURY TRIAL, VOLUME 8A
BEFORE THE HONORABLE ADA E. BROWN
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

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1 JURY TRIAL VOLUME 8A - AUGUST 3, 2023

2 P R O C E E D I N G S

3 SECURITY OFFICER: All rise.

4 THE COURT: Anything we need to take up before we
5 bring them in?

6 MS. MAX: Not from the Government.

7 MR. GALLIAN: No, Your Honor.

8 MR. WESTFALL: No, Your Honor.

9 THE COURT: All right.

10 (Discussion off the record)

11 SECURITY OFFICER: All rise for the jury.

12 (Jury in)

13 THE COURT: Good morning. How are y'all doing? How
14 were breakfast tacos?

15 JUROR: Delicious.

16 THE COURT: Good. Good. I hadn't tried these. My
17 trusty assistant said that there were some good ones, so I am
18 munching on one as I speak, and you guys are allowed to bring
19 them in.

20 So with that said, the lawyers are in place and ready
21 to go.

22 And your witness, ma'am.

23 If everybody will check your phones real quick.

24 Thank you.

25 MS. MAX: Thank you, Your Honor.

1 THE COURT: You're welcome.

2 DANNY BRILEY, GOVERNMENT'S WITNESS, PREVIOUSLY SWORN

3 DIRECT EXAMINATION CONTINUED

4 BY MS. MAX:

5 Q. Ranger Briley, picking up where we left off yesterday, we
6 were discussing the beginning of the execution of the search at
7 Stone's residence on June 18, 2020; is that correct?

8 A. Yes.

9 Q. Now, you mentioned yesterday, we had talked about the fact
10 that there were quite a few individuals out there. Did y'all
11 have to make multiple attempts to get Bill Stone to come to the
12 door?

13 A. Yes, ma'am.

14 Q. Okay. Ultimately, did Bill Stone respond and give y'all
15 access and entry to the house?

16 A. Yes, ma'am.

17 Q. Okay. So I believe yesterday you had testified that you
18 thought that y'all had to breach his door at the time of the
19 execution of the search warrant?

20 A. Yes, ma'am.

21 Q. Was that correct?

22 A. No, ma'am.

23 Q. At what time did you have to breach his door?

24 A. I don't know what -- what time, but this situation as far
25 as the door, I don't remember if we ultimately had to ram the

1 door or if he actually opened the door. It was inconsequential
2 to us which way it happened, but his response was very, very
3 slow in coming out was the point.

4 Q. Okay. Did you later on in the investigation execute an
5 arrest warrant with Bill Stone?

6 A. I'm sorry, did I execute a what?

7 Q. An arrest warrant.

8 A. Yes, ma'am.

9 Q. Okay. And did you arrest him at his home?

10 A. Yes.

11 Q. Okay. So to be clear, on the day of the search warrant,
12 you're not telling the jury that ultimately he didn't come and
13 give y'all access to his home?

14 A. Correct.

15 Q. Okay. And once you were in the home, describe to the jury
16 what his demeanor was in terms of cooperation with y'all.

17 A. He was obviously nervous. He stated that he wanted to
18 talk to us. He had counsel at the time. So there was some
19 apprehension on his part on what to do, what to say, what not
20 to say.

21 Q. Okay. Was there any point at the beginning of the search
22 where y'all temporarily detained Stone?

23 A. Yes, ma'am.

24 Q. Okay. Explain to the jury what happened.

25 A. On the beginning and as part of protocol, when we go to a

1 house and execute a search warrant of this nature, we do
2 handcuff people inside, the target, in which, of course, Bill
3 Stone is the target of this investigation. So he's handcuffed
4 immediately.

5 Once the house is cleared, we take those handcuffs
6 off of him and tell him essentially, as we did in this case,
7 you can stay here or you can leave. We would like to stay
8 here. Maybe you can help us. We would like your help.

9 And he chose to help.

10 Q. Okay. So he chose to stay?

11 A. Yes, ma'am.

12 Q. And when you say help, were there times throughout the
13 search that maybe y'all asked him questions about his home --

14 A. Yes.

15 Q. -- or where you could find something?

16 A. Yes, ma'am.

17 Q. Did he provide you access to the safes in his home?

18 A. Yes, ma'am.

19 Q. Did you ask him for car keys to his vehicles?

20 A. Yes, ma'am.

21 Q. Did he provide those to you?

22 A. Yes, ma'am.

23 Q. Okay. So is that what you're talking about when you say
24 the cooperation?

25 A. Yes, ma'am.

1 Q. Okay. And you had mentioned that you were aware that he
2 had legal counsel; is that right?

3 A. Yes.

4 Q. Did an attorney show up that day?

5 A. No.

6 Q. Did you read Bill Stone his Miranda rights that day?

7 A. Yes, I did.

8 Q. And did he waive those rights?

9 A. Yes, he did.

10 Q. During the search, what was your role?

11 A. My role was to ensure that the evidence that's there is
12 collected. My role was to interview Bill Stone and -- if -- if
13 he were willing to talk to me, and to keep gaining that
14 evidence that I would probably gain in an interview.

15 Q. Was Stone willing to talk to you?

16 A. Yes, he was.

17 Q. Was Investigator Brian Luley from the OIG also present
18 that day?

19 A. Yes, he was.

20 Q. Was he also serving in the role with talking with Stone?

21 A. Yes.

22 Q. Were you recording your interactions with Stone?

23 A. Yes, I was.

24 Q. Was this on your audio recorder?

25 A. Yes, ma'am.

1 Q. Was Brian Luley recording his interactions with Stone as
2 well?

3 A. Yes, he was.

4 Q. So do we have multiple recordings, some of them
5 overlapping?

6 A. Yes, that's true.

7 MS. MAX: At this time, the Government moves to
8 introduce Government's Exhibit 86 and 87 -- I'm sorry, moves to
9 admit Government's 86 and 87.

10 MR. GALLIAN: No objection.

11 MR. WESTFALL: May I have just a second?

12 THE COURT: Certainly.

13 (Pause)

14 THE COURT: Let me know when you're ready.

15 (Pause)

16 MR. WESTFALL: No objection, Your Honor.

17 THE COURT: All right. Admitted.

18 (Government's Exhibit Nos. 86 and 87 received)

19 MS. MAX: Your Honor, Government also moves to admit
20 Government's Exhibit 85.

21 MR. WESTFALL: No objection.

22 MR. GALLIAN: No objection, Judge.

23 THE COURT: Admitted.

24 (Government's Exhibit No. 85 received)

25 MS. MAX: Permission to publish, Judge?

1 THE COURT: Granted.

2 MS. MAX: Can we go ahead and play Government's
3 Exhibit 87, time stamped 12:25 to 13:53?

4 (Audio played)

5 BY MS. MAX:

6 Q. Ranger Briley, where are you located during most of the
7 time you're talking with Stone?

8 A. Generally located in the backyard of his residence,
9 sitting at a table with two chairs.

10 Q. And did you -- this recording that we heard, is this
11 pretty early on --

12 A. Yes.

13 Q. -- once you gain entry?

14 A. (Indicating in the affirmative)

15 Q. Do you just -- you launch right in and ask him about the
16 probation; is that right?

17 A. Yes.

18 Q. Okay. And so we heard -- I know it was a little hard to
19 hear Stone's voice there at the beginning of the recording, but
20 you ask him generally if Casi Thompson is on a probation, and
21 his response to you is, I'm not a federal probation officer; is
22 that right?

23 A. That's right.

24 Q. At that point had you brought up any conversation about
25 him being a probation officer?

1 A. I had not.

2 Q. You asked him about Judge Anderson on the recording,
3 correct?

4 A. Yes.

5 Q. Did it take him a while to give you a response?

6 A. Yes.

7 Q. And when he responds, what we hear is -- he's referencing,
8 he says, it's in here.

9 Tell the jury what he's talking about, what he's
10 starting to reference there.

11 A. He's starting to reference a manuscript for a book that he
12 is writing, and he's -- has that book there at his residence,
13 and he's wanting to refer me to that book.

14 Q. Okay. So you had asked him a question about probation and
15 then -- or Judge Anderson, and he responds, oh, it's here in
16 the book?

17 A. Yes.

18 Q. Did you find through the course of your questioning with
19 him at the beginning of the search warrant, did he -- did he
20 reference the book a lot?

21 A. Yes.

22 Q. Okay. Kind of explain to the jury how that went about.

23 A. It was strange. I -- you know, when asking specific
24 questions that obviously they're hard to answer if you're -- if
25 you committed some crime, it was -- his answers were evasive.

1 He would refer me back to this book that he's writing and not
2 specifically answer the question. There's many instances of
3 that occurring.

4 Q. When he would refer you back to the book, would he really
5 explain, or would he just reference that, oh, the thing you
6 brought up is in the book?

7 A. Yeah. The interesting thing is even sometimes when he
8 would read the manuscript, the book still didn't make sense,
9 still didn't answer the question where -- who's Judge Anderson,
10 where is this person located, is there a Judge Anderson. I'm
11 not getting an actual yes or no.

12 Q. So are you saying that there's multiple times he actually
13 read aloud to you from his manuscript?

14 A. Yes.

15 Q. Okay. You're saying that really didn't clear up anything
16 for you?

17 A. Correct.

18 MS. MAX: Can we go ahead and publish Government
19 Exhibit 87, time stamp 15?

20 (Audio played)

21 BY MS. MAX:

22 Q. Ranger Briley, in that clip that we just heard, is Stone
23 showing you some sort of badge?

24 A. Yes.

25 Q. And what is it?

1 A. It's some FBI badge that I remember seeing with a -- like
2 in a wallet.

3 Q. So when he's talking about impersonation, what is he
4 denying that he's impersonating?

5 A. He's denying impersonating a -- being a federal agent.

6 Q. Federal probation officer?

7 A. And federal probation officer, yes.

8 Q. Have you specifically asked him if he's acted as a federal
9 probation officer at this point?

10 A. No, I have not.

11 Q. Explain to the jury a little bit what your MO is when you
12 go into a search and you're talking to a defendant. Kind of
13 what is your game plan?

14 A. Well, there's many in play. The initial part is building
15 rapport with that person, trying to bring their levels of
16 anxiety down to where I can start getting some truthful answers
17 from that person.

18 There is a portion of those interviews where I'm
19 asking very, very simple questions, waiting very patiently for
20 what their responses are, listening to those responses and
21 analyzing that information for its truth and veracity compared
22 to what evidence I have.

23 And then I build on forward from that, ultimately
24 getting to the point of -- I start confronting the other person
25 with evidence if I feel it needs to happen. Sometimes I'll

1 withhold and not tell -- not reveal what evidence that I have.

2 For me, in interviews, it's really pretty simple.
3 It's they either tell the truth or they lie, and I still get
4 the evidence, you know. I have either -- the end result is
5 either I have a defendant who lies and I have evidence to prove
6 these are lies, or I have a defendant who tells the truth and
7 there's evidence to prove that's the truth, and you still have
8 the same result judicially.

9 Q. So in the beginning are you giving Stone a pretty long
10 leash to talk?

11 A. Yes, I am.

12 MS. MAX: Can we play Government's Exhibit 87, time
13 stamp 26:10?

14 (Audio played)

15 BY MS. MAX:

16 Q. Again there, is Defendant Stone focusing on impersonating
17 a probation officer?

18 A. Yes.

19 Q. Okay. Did you get the sense that he thought that that
20 would be a little beneath him?

21 A. Oh, for sure.

22 MS. MAX: Can we play Government 87, starting at
23 32:16?

24 (Audio played)

25 BY MS. MAX:

1 Q. Do we hear there Stone saying that there's got to be a
2 simple fix?

3 A. Yeah. This is common, where this is what I would call a
4 bargaining phase, you know, what am I -- what am I looking at,
5 what's going to happen.

6 Q. So when he says simple fix, what is he referencing?

7 A. He's referencing this investigation.

8 Q. And he says it's going to boil down to a he said/she said.

9 A. Yes.

10 Q. What did you take that to mean?

11 A. I took that to mean that he's going to possibly try to
12 gamble with his word versus her word in this matter.

13 Q. During the interview with Stone, did he -- did you get the
14 impression that he was trying to give you a specific impression
15 of Casi Thompson versus him?

16 A. Yes.

17 Q. And what was that?

18 A. Well, one, definitely that she's beneath him.
19 Particularly he wanted to -- me to focus on her past, her
20 problems, her previous addictions in meth, these types of
21 things, the things that would be not so pleasant about Casi
22 Thompson's past.

23 MS. MAX: Can we play Government 87 starting at
24 35:08?

25 (Audio played)

1 BY MS. MAX:

2 Q. Ranger Briley, is this an example that you had talked
3 about earlier of Stone referencing the book without answering
4 your question?

5 A. Yes.

6 Q. Were you trying to pin him down to whether Dr. B is a real
7 person or based on a real person?

8 A. Yes.

9 Q. Did you ever get an answer?

10 A. No.

11 Q. You also -- we hear you referencing probation documents in
12 this clip. Did you ask Bill Stone if there were any probation
13 documents that he could show you related to this secret
14 probation?

15 A. Yes, I did.

16 Q. And what was his response?

17 A. I believe his response on this was that there's not.

18 Q. Did he end up ever providing you with any?

19 A. He did not.

20 MS. MAX: Can we go ahead and play Government 87
21 starting at time stamp 1:12:23?

22 (Audio played)

23 BY MS. MAX:

24 Q. We reference -- we hear Stone referencing eating a shit
25 sandwich. You heard that phrase before?

1 A. Yes, ma'am.

2 Q. What did you take that to mean?

3 A. He is defeated, and he's asking where -- basically what's
4 going to happen here, you know. And he's also asking for me to
5 extend some type of courtesy because of my position in that
6 same exchange.

7 Q. Is this -- when you talked about it had kind of moved from
8 talking the book phase to kind of a bargaining phase, what am I
9 looking at, is this kind of the portion we've now entered?

10 A. Yes.

11 MS. MAX: Can we publish Government 87, 1:16:40?

12 (Audio played)

13 BY MS. MAX:

14 Q. Here we hear Stone saying, I'm not perfect; if I fucked
15 up, I fucked up?

16 A. Yes.

17 Q. Okay. Ranger Briley, have you encountered a lot of people
18 in your career who upon learning that they're in trouble
19 criminally deny the offense?

20 A. Yes.

21 Q. Okay. Are there a lot of people you encounter that when
22 you confront them with the fact that they are criminally in
23 trouble they don't bargain with you?

24 A. Well, I mean, some do, some don't.

25 Q. Okay. Are there people who truly feel like they're

1 innocent and they're coming back at you with the facts?

2 A. When they're in fact criminal? That is a complicated
3 question. I mean, as far as people that are innocent don't
4 have to worry, because the facts are there.

5 Q. They don't have to bargain?

6 A. Correct.

7 MS. MAX: Can we go ahead and play Government 87,
8 1:17:54?

9 (Audio played)

10 BY MS. MAX:

11 Q. The last thing Stone says in that recording is, if this
12 shit got out, I'm fucked.

13 A. Yes.

14 Q. Correct?

15 Explain to the jury what's happening in this portion
16 of the conversation with Stone.

17 A. Yes. So in this portion, like, we have essentially like
18 skipped over things, and he's -- he's asking about punishment,
19 like, we're still in that thing of I want to know what I'm
20 looking at here. And also still hearing the same responses,
21 that he's defeated in this exchange.

22 He wants to sort of look behind the curtain and know
23 what evidence is here as well. Like, you know, we know what
24 evidence we already have at this point. We know the magnitude
25 of the offenses that he's looking at. He wants to know as

1 well. And the reason he's asking about punishment is because
2 he doesn't know what all we have against him, so he's wanting
3 to know if this is a probationary thing or is this a
4 penitentiary sentence, is this -- does this involve
5 restitution.

6 He's wanting to know what's at stake here for him and
7 his -- himself.

8 Q. Are there courtesies that you are giving him because he's
9 a retired FBI agent?

10 A. No. He's -- he's getting the same -- same approach,
11 same -- same skill set, same interview style, same everything
12 as anyone else gets.

13 Q. Is there a certain strategy that you are approaching him
14 and communicating with him because he is a retired FBI agent?

15 A. Yeah, certainly. I mean, in interviewing and
16 interrogation, I do everything I can to develop that rapport.
17 He's a former supervisory agent with FBI. I have a position in
18 the Rangers. I'm here with the Department of Justice as well,
19 OIG. These are all agencies that carry -- carry a lot of
20 responsibilities.

21 So he knows that. And so, you know, I treat him
22 kindly like I would anyone else, but he's the one that is
23 asking for this professional courtesy in this exchange, and my
24 responses are quite -- quite -- not much. I'm just one of --
25 like I am sitting here, like, sure, what do you have to say?

1 You want some professional courtesy? what -- let's talk.

2 It's that simple. There's not really a lot of
3 trick -- trick to it.

4 Q. Did you get the impression that Stone was treating you and
5 the OIG agent kind of like y'all were all on the same level?

6 A. Yes.

7 Q. Like this is law enforcement comrades talking?

8 A. Yes, he wanted that.

9 MS. MAX: Can we go ahead and play Government
10 Exhibit 87, time stamp 1:19:50?

11 (Audio played)

12 BY MS. MAX:

13 Q. What is Defendant Stone trying to find out in that clip?

14 A. Still punishment. He's after whether probation is
15 possible for him.

16 Q. All right.

17 MS. MAX: Can we play Government Exhibit 87, starting
18 at time stamp 5:30?

19 (Audio played)

20 BY MS. MAX:

21 Q. I know it's a little hard to hear in that clip, Ranger
22 Briley. Is Stone saying, the devil is in the details and I
23 didn't do it?

24 A. Yes, ma'am.

25 Q. Okay. what did you take that to mean?

1 A. He's -- he's trying to push back some towards the victim
2 in this case while acknowledging the devil is in the details.

3 Q. By saying those quotes like that, was he referencing that
4 he had, like, dropped the ball?

5 A. Yes.

6 Q. Okay. So when he says, devil is in the details and I
7 didn't do it, is he referencing the fact that I didn't stay up
8 with the details?

9 A. Yes, it's possible that he is. I can't 100 percent say
10 that for sure, but I believe it's very possible.

11 MS. MAX: Can we go ahead and play Government Exhibit
12 87, time stamp 20:15?

13 (Audio played)

14 BY MS. MAX:

15 Q. In that one do we hear Stone asking how federal probation
16 works?

17 A. Yes, ma'am.

18 Q. Did you find any irony in that question?

19 A. Very much so.

20 Q. Is he also asking if there's community service on federal
21 probation?

22 A. Yes.

23 MS. MAX: Can we go ahead and play from
24 Government's 85, starting at 2:53?

25 (Audio played)

1 BY MS. MAX:

2 Q. What are we hearing in that clip, Ranger Briley?

3 A. We're hearing some of the charges that he's facing. He's
4 starting to be confronted with some of the offenses that he's
5 going to be charged with. And then in that we hear his
6 responses to those charges.

7 The response to impersonation of an officer, a
8 federal agent, seems to be something that he's opposed to
9 hearing and/or believing he's responsible for doing or having
10 done. And the wire fraud in this particular exchange, I don't
11 hear him responding to that yet.

12 Q. Okay. But when you tell him that it's impersonation of an
13 FBI agent, does he respond back as if he is currently an FBI
14 agent?

15 A. He does.

16 Q. Okay. Not seeing the distinction between being an FBI
17 agent and being a retired FBI agent?

18 A. Yeah. He -- he ultimately comes back and says that, well,
19 I'm a retired agent, but his initial response is not that.

20 Q. It's how can I impersonate an FBI agent when I am one?

21 A. Correct.

22 Q. Okay.

23 MS. MAX: Can we go to Government's Exhibit 85, 6:56?

24 (Audio played)

25 BY MS. MAX:

1 Q. So what was his explanation as to why he was in possession
2 of Casi Thompson's phones?

3 A. I think it was somewhere along the lines of to take some
4 music and things off of her phone, some trivial -- a trivial --
5 trivial response.

6 MS. MAX: And can we play Government's 85, time stamp
7 1:24?

8 (Pause)

9 BY MS. MAX:

10 Q. Ranger Briley, how long were y'all at the house that day?

11 A. Probably approximately four hours.

12 Q. Did you take Bill Stone into custody at the end of the
13 search?

14 A. No, ma'am.

15 Q. Why not?

16 A. He was not under arrest.

17 Q. Okay.

18 A. We were not charging him, arresting him on this particular
19 day. We were still very much working the investigation.

20 Q. Okay. So that wasn't the goal of the search that day?

21 A. That's correct.

22 Q. Now, during the course of your investigation, have you had
23 an opportunity to review text messages that were extracted from
24 Joseph DeLeon's phone?

25 A. Yes, ma'am.

1 Q. Okay.

2 MS. MAX: At this time, the Government would move to
3 admit Government Exhibit 37, which is an extract of already
4 admitted Government Exhibit 26.

5 MR. WESTFALL: No objection.

6 THE COURT: Hold on one moment. Waiting for one more
7 response.

8 MS. MAX: Oh, sorry, Your Honor.

9 MR. GALLIAN: No objection, Your Honor.

10 THE COURT: All right. It's admitted.

11 (Government's Exhibit No. 37 received)

12 MS. MAX: Thank you, Your Honor.

13 Permission to publish?

14 THE COURT: Granted.

15 MS. MAX: We can go to page 1.

16 Can we start with the text that starts, "I am at the
17 cardiologist office"?

18 BY MS. MAX:

19 Q. Ranger Briley, I'm showing you the text at the top of the
20 screen. What is the date of that text, if you look over to the
21 far left?

22 A. October 30, 2017.

23 Q. Okay. And this is a text between Joseph DeLeon and Bill
24 Stone; is that correct?

25 A. Yes.

1 Q. And to clarify, all the text messages that we're going to
2 cover today are between Stone and DeLeon; is that right?

3 A. Yes, ma'am.

4 Q. From the folder status and you see sent -- well, actually
5 from the direction you see outgoing. Who does that mean the
6 sender is?

7 A. This -- this would be, I think, Defendant DeLeon.

8 Q. Okay. Because it was DeLeon's phone, correct?

9 A. Correct.

10 Q. Okay. Could you read the message to the jury?

11 A. Yes. The first message, "I'm at the cardiologist office
12 in the middle of a stress test. P/2," meaning Project 2,
13 "called me freaking out that you are going to Austin again. I
14 told her not to worry, take a breath. I cannot be answering
15 the phone in the middle of this or taking texts. I'm gonna
16 have to turn my phone off. My health is more important. She
17 can wait."

18 Q. Okay.

19 MS. MAX: Let's go to page 3, line 21, 642.

20 BY MS. MAX:

21 Q. What is the date of this large text that you see at the
22 bottom of the screen?

23 A. December 31, 2016.

24 Q. And can you go over and read the message?

25 A. Yes. "S.A. Stone," meaning Special Agent Stone. "This is

1 a copy of what I sent P/2.

2 "Casi, I'm trying to get everything done so that I
3 can sneak over to see you and spend New Year's Eve with you and
4 Tyler like we did last year. Bill is still in Washington and
5 DPS is not going to be able to keep an eye on you tonight
6 because they are shorthanded because of the holiday and they
7 are going to be on the highway so I should be okay. I'm going
8 to try to stop by and get a bottle of champagne or two.

9 "Also I text you over on Mimi's phone because they're
10 not monitoring this one. Again, I don't know what time. It
11 all depends on whether my mother is okay or not."

12 Q. Did Casi Thompson report to you that she believed DPS
13 troopers would monitor her house?

14 A. Yes.

15 MS. MAX: Can we go to the text message -- well, stay
16 on this one second.

17 BY MS. MAX:

18 Q. How does DeLeon address Stone in this message?

19 A. As Special Agent Stone.

20 Q. Is that what the S.A. stands for?

21 A. Yes, ma'am.

22 Q. And what is the date on that message?

23 A. December 31, 2016.

24 MS. MAX: Can we go to the message immediately
25 above it?

1 BY MS. MAX:

2 Q. What is the date of this message?

3 A. The one directly above is January 1, 2017.

4 Q. And how does DeLeon address Stone in this message?

5 A. Special Agent Retired Stone, SAR.

6 Q. That is what SAR stands for?

7 A. I don't know.

8 Q. Okay. Are you speculating that the R means retired?

9 A. I'm definitely speculating. Yes, I do not know.

10 Q. Okay. But it goes from on December 31st being S.A. Stone,
11 correct --

12 A. Yes, ma'am.

13 Q. -- to January 1st being SAR Stone?

14 A. Yes.

15 MS. MAX: Can we go to line 25 -- 25509?

16 (Pause)

17 MS. MAX: Going over, can we just get --

18 BY MS. MAX:

19 Q. So looking at the second message here, what is the date of
20 it?

21 A. That's August 30, 2016.

22 Q. And can you read the message?

23 A. "S.A. Stone, an awesome opening/opportunity just posted a
24 while ago. Chief of police Larry Boyd just announced his
25 retirement, in the area you're considering buying property."

1 Q. Okay.

2 MS. MAX: Can we go to 26196?

3 (Pause)

4 BY MS. MAX:

5 Q. Can you tell me what the date of the message is on
6 line 125?

7 A. 125? August 12, 2016.

8 Q. And can you read the message?

9 A. Yes. Beginning with the one "I can talk"?

10 Q. Yes.

11 A. Okay. "I can talk to her at least three times today, make
12 sure everything was going good for her. She of course is all
13 concerned about the Austin, Texas situation and I stated to her
14 I have not heard anything at all."

15 MS. MAX: And can we go to line 27021?

16 (Pause)

17 MS. MAX: And can we start, go across -- leave it
18 where it is and go across.

19 BY MS. MAX:

20 Q. Starting with line 298, what is the date of this text
21 message?

22 A. July 22, 2016.

23 Q. And what is the time?

24 A. Let's see.

25 Q. It's next to it.

1 A. It's like midnight.

2 Q. Is it 00:35?

3 A. Oh, yes. Military time, yes.

4 Q. Is that 12:35?

5 A. Yes, ma'am.

6 Q. Can you read the message?

7 A. "You get ahold of your fiancée yet?"

8 Q. Okay. And who is -- is this an incoming or outgoing
9 message?

10 A. Incoming.

11 Q. So this is a message from Stone to DeLeon; is that
12 correct?

13 A. That's correct.

14 Q. Okay. And Stone is using a reference to DeLeon of your
15 fiancée?

16 A. Yes.

17 Q. Saying that to DeLeon?

18 A. Correct.

19 Q. Did you see reference to DeLeon's fiancée multiple times
20 throughout the text messages with Stone and DeLeon?

21 A. Yes, I did.

22 Q. And was it always Stone saying to DeLeon your fiancée?

23 A. Always.

24 Q. Who did you take that as they were referencing?

25 A. Casi Thompson.

1 Q. Okay. So Stone is saying to DeLeon, Casi Thompson's your
2 fiancée?

3 A. Yes.

4 Q. Okay. Can you read the very next message above it?

5 A. "Have her make breakfast for all of you."

6 Q. And what time is that message?

7 A. 6:56.

8 Q. So we started out -- is that the same day?

9 A. Yes.

10 Q. So we started out at 12:35 saying -- Stone asking DeLeon,
11 did you get ahold of Casi. And then at 6:56 in the morning, is
12 that Stone telling DeLeon have her make breakfast for you-all?

13 A. Yes.

14 Q. And what is the message above it?

15 A. The message above is, "In your opinion is the shack
16 clean?"

17 Q. And is that Stone sending that to DeLeon?

18 A. Yes.

19 Q. And what time is that message?

20 A. 6:57.

21 Q. Can you read the message above it?

22 A. "Yes, sir. Nearly spotless."

23 Q. Is that a message outgoing from DeLeon?

24 A. Yes.

25 Q. Can you read the message above it?

1 A. "She was up almost all night long making it that way."

2 Q. And who sent that message?

3 A. DeLeon.

4 Q. Read the message above it, please.

5 A. "As soon as I got a chance I will get you the pictures of
6 the boys."

7 Q. And who sent that?

8 A. Defendant DeLeon.

9 Q. And the message above it?

10 A. "Now she won't let the shack get dirty again."

11 Q. Who sent that?

12 A. That's Defendant Stone.

13 Q. To DeLeon?

14 A. Yes.

15 Q. And the message above that?

16 A. Defendant Stone says, "She is your woman!"

17 Q. That's being sent to DeLeon?

18 A. Yes, ma'am.

19 MS. MAX: Can we go to Government 37, page 8?

20 (Pause)

21 MS. MAX: And can we zoom in on the fourth text, the
22 big green one?

23 BY MS. MAX:

24 Q. Ranger Briley, who is sending this text?

25 A. Defendant DeLeon.

1 Q. And what is the date?

2 A. December 15, 2015.

3 Q. And can you read the text with starting with S.A. Stone?

4 A. Sure. "Sir, I am just leaving her house 20:45 hours and
5 heading back to Fort Worth.

6 "Obtained a copy of her transcript, transfers from
7 two different colleges and the hours that she is going to be
8 taking this upcoming semester. Her current grade point average
9 is 4.0. She is going to be taking nine hours this coming up
10 semester. Also got lucky and looked into her e-mails going
11 back to 2014. She has a lot -- a lot even some from Eric every
12 single one of them on opened and I left them untouched since
13 they were on opened. JD."

14 MS. MAX: Can we go to Government Exhibit 37, page
15 10?

16 And the large green box, the first one.

17 BY MS. MAX:

18 Q. Can you read the first three -- well, what is the date of
19 this?

20 A. December 22, 2015.

21 Q. And who is the sender?

22 A. Defendant DeLeon.

23 Q. Can you read the first three lines?

24 A. "S.A. Stone, sir, I just received this text message from
25 Project Number 2. I'm on the do not rent list at Enterprise."

1 MS. MAX: Can you go to Government 37, page 19?

2 Can you zoom in on the first two blue boxes?

3 BY MS. MAX:

4 Q. Ranger Briley, the first text message, what is the date of
5 that?

6 A. January 12, 2016.

7 Q. And who is sending the message?

8 A. Defendant Stone.

9 Q. And what does it say?

10 A. It says, "Any project updates?"

11 Q. And what's the date of the next message?

12 A. December 12, 2016.

13 Q. And can you read it?

14 A. Defendant Stone says, "Project adhering to schedule?"

15 Q. Looking through DeLeon and Stone's text messages, did you
16 find many instances of messages like this?

17 A. Yes.

18 Q. Okay.

19 MS. MAX: Can we go to Government 37, page 20?

20 Can we go to the first blue box and those three
21 boxes?

22 BY MS. MAX:

23 Q. With that first text message, what is the date?

24 A. January 15, 2016.

25 Q. And who is sending it?

1 A. Defendant Stone.

2 Q. will you read it?

3 A. "Let me know how it goes at the bank."

4 Q. Okay. who is sending the next text message?

5 A. Defendant DeLeon.

6 Q. what does he say?

7 A. "would you like to give me any advice before I go in just
8 to refresher."

9 Q. Next text message, who's sending?

10 A. Defendant Stone.

11 Q. what is he saying?

12 A. "I will you in 30 minutes. In a meeting."

13 MS. MAX: Next page, please, Government 21.

14 BY MS. MAX:

15 Q. Starting at the top, who's sending this message?

16 A. Defendant Stone.

17 Q. what does it say?

18 A. "Sounds like a plan."

19 Q. Okay. Next message?

20 A. Defendant DeLeon: "All I need her to do is introduce me,
21 from there I can take over.

22 "okay. Thank you."

23 Q. And the next message?

24 A. Defendant Stone: "Call me."

25 Q. And next message?

1 A. Joseph DeLeon: "Sir, I am just now walking out of the
2 bank, it was fantastic maybe."

3 Q. And next message?

4 A. Defendant DeLeon: "Meeting is what I meant to say."

5 MS. MAX: Can we go to page 35? Starting with the
6 second blue box down. The second blue. Going all the way
7 down.

8 BY MS. MAX:

9 Q. What is the date of this exchange?

10 A. February 4, 2016.

11 Q. And who is the sender?

12 A. Defendant Stone.

13 Q. Can you read his messages?

14 A. Yes. "Can you do Cracker Barrel in Arlington in about an
15 hour?"

16 "Or later."

17 Q. Okay. Moving down. Next message?

18 A. Defendant Stone: "will be finished here in about an
19 hour."

20 "Okay let's say 7:15 then. A lot to talk about the
21 project."

22 Q. Next message?

23 A. Defendant DeLeon: "Yes, I can be there by 7:15, 7:30."

24 Q. And next message?

25 MS. MAX: Oh, actually, can we go to page 33?

1 Starting with the top two messages -- or top message.

2 BY MS. MAX:

3 Q. And what is the date of this message?

4 A. February 2, 2016.

5 Q. And who is the sender?

6 A. Defendant DeLeon.

7 Q. And what does it say?

8 A. "S.A. Stone, are you on the ground yet?"

9 Q. Ranger Briley, what do you take this message to mean?

10 A. That he wanted to know if he was out of state, out of
11 country.

12 MR. WESTFALL: Your Honor, may we approach?

13 THE COURT: Yes. And actually, I'll tell you what,
14 your timing is perfect. We've been going about an hour. I
15 think it's time for a comfort break. So why we don't take ten
16 minutes.

17 And members of the jury, if it's going to be longer
18 than ten, I will have him come back and let you know.

19 Let's take a stretch break.

20 All rise for the jury.

21 (Jury out)

22 THE COURT: Everybody please be seated.

23 All right. Outside the presence of the jury.

24 Everybody please be seated.

25 MR. WESTFALL: May the --

1 THE COURT: Oh, I'm sorry. Feel free to step down if
2 you need to use the restroom.

3 THE WITNESS: Okay. Yes, ma'am.

4 THE COURT: Yes. What's your --

5 MR. WESTFALL: Yeah, I didn't want to make anything
6 like a speaking objection.

7 THE COURT: Sure. No. I appreciate that.

8 MR. WESTFALL: I just want to explain just a little
9 bit.

10 THE COURT: Certainly.

11 MR. WESTFALL: By having him listen to something or
12 read something and then what does this mean, number one, it's
13 calling for speculation over and over again. He even admitted
14 that he speculated the retired, which is an important fact.

15 Number two, it's a -- it's oftentimes a direct
16 opinion on credibility, which is not allowed. It's not
17 relevant. And it also invades the province of the jury. The
18 jury is the one that gets to figure out what people mean by
19 this or that unless it's expert testimony or 701 testimony, and
20 this is not either one of those. This is just -- he just
21 conjures it up in his brain, well, what does that mean?

22 well -- almost like, I didn't know you were going to
23 ask me what that means, but let me take a stab at it.

24 It's just -- it's not good evidence, Your Honor. We
25 object to that.

1 THE COURT: Okay.

2 MS. MAX: Your Honor, I will withdraw the question.
3 And I just have a few more texts for him to publish.

4 THE COURT: Okay.

5 MS. MAX: I won't ask him any questions about them.

6 THE COURT: Okay. Well, I will sustain the
7 objection. And unless he has some kind of specialized
8 psychological or -- and he may have. He may have some kind of
9 interrogation training where he can weigh into whether someone
10 is telling the truth or not. If that's the case, we need to
11 have a sub rosa hearing. Otherwise, I will sustain the
12 objection.

13 MR. WESTFALL: Thank you, Your Honor.

14 THE COURT: Absolutely.

15 So let's take a 10-minute recess for you guys too, a
16 much needed break.

17 And I still have breakfast tacos.

18 So with that said, court is in recess for ten
19 minutes.

20 Thank you.

21 SECURITY OFFICER: All rise.

22 MR. WESTFALL: Thank you, Judge.

23 THE COURT: You're welcome.

24 (Recess)

25 THE COURT: Okay. Are we ready? Anything we need to

1 take up outside the presence of the jury?

2 MS. MAX: No, Your Honor.

3 (Pause)

4 THE COURT: Everybody please be seated. Stretching
5 my legs.

6 (Pause)

7 THE COURT: Anything we need to take up before we
8 bring them in?

9 MS. MAX: No, Your Honor.

10 MR. WESTFALL: Not from us, Your Honor.

11 THE COURT: Okay. Sounds good. Mr. Gallian, are you
12 good to go?

13 MR. GALLIAN: Good to go, Judge. Thank you.

14 THE COURT: All right. Sounds good. Let's bring
15 them in.

16 SECURITY OFFICER: All rise for the jury.

17 (Jury in)

18 THE COURT: All right. Everyone please be seated.

19 Members of the jury, thank you so much for your time
20 and your attention. We're going to go till 10:00, and then
21 I've got a matter unrelated to this, just take our ordinary
22 half-hour break, and I will get my other matter taken care of.

23 But with that said -- if everybody will check their
24 phones for me as a courtesy.

25 And with that said, your witness.

1 MS. MAX: Thank you, your Honor.

2 THE COURT: You're welcome.

3 MS. MAX: We'll go back to Government --

4 THE COURT: Oh, I'm so sorry.

5 MR. WESTFALL: I think this got moved during the
6 break.

7 THE COURT: Oh, sure, of course. Good deal. And
8 remember, defense counsel, if you need to relocate to be able
9 to see things, you have free rein to do that without needing
10 permission.

11 MR. WESTFALL: Yes, thank you.

12 THE COURT: You're welcome.

13 Your witness.

14 MS. MAX: Thank you, Your Honor.

15 Can we go to Government's 37, page 40?

16 Can we go to the fifth message?

17 BY MS. MAX:

18 Q. Ranger Briley, what is the date of this message?

19 A. February 9, 2016.

20 Q. Who is the sender?

21 A. Defendant DeLeon.

22 Q. And will you read it?

23 A. Yes. "She is nervous, concerned, and perplexed and she
24 feels horrible that you're having to work even more."

25 MS. MAX: Can we go to Government 37, page 47?

1 Can we do the second and third messages? Second and
2 third.

3 BY MS. MAX:

4 Q. Who is the sender of the first message?

5 A. Defendant Stone.

6 Q. What is the date?

7 A. February 17, 2016.

8 Q. Can you read it?

9 A. "Talked briefly with her. Doesn't know what kind of car
10 she wants."

11 Q. And the second message, who's the sender?

12 A. Defendant DeLeon.

13 Q. And what is the date?

14 A. February 8, 20 -- I'm sorry, February 18, 2016.

15 Q. Can you please read it?

16 A. "This is what she text me earlier about the car. She's
17 looking for about a \$70,000.00 car. And she's worried about
18 running out of money.

19 "Lexus GS350 F sport."

20 MS. MAX: Can we go to Government 37, page 54?

21 And the very last message.

22 BY MS. MAX:

23 Q. Who is the sender?

24 A. Defendant DeLeon.

25 Q. And what does it say?

1 A. "Did you make it to Washington?"

2 Q. And what is the date?

3 A. February 24, 2016.

4 MS. MAX: And page 37 -- I mean Government 37, page
5 66.

6 Can we do the fifth message down? Fifth message to
7 the bottom of the page.

8 BY MS. MAX:

9 Q. What is the date of this message?

10 A. March 3, 2016.

11 Q. And who is the sender?

12 A. Defendant Stone.

13 Q. Can you read it, please?

14 A. "Just landed in Austin. Any project stories?"

15 Q. Next message?

16 MS. MAX: Can you zoom out to get the bottom two?

17 BY MS. MAX:

18 Q. The next message is sent by whom?

19 A. Defendant DeLeon.

20 Q. And what is the date?

21 A. March 4, 2016.

22 Q. And what does the message say?

23 A. "S.A. Stone, are you on your way back? Can we meet at
24 Cracker Barrel for something to eat?"

25 Q. Will you read the next message?

1 A. Defendant Stone: "Still in Austin. Not finished yet. On
2 break. Any project stories?"

3 MS. MAX: Can we go to the next page?

4 And can we do the top five messages?

5 BY MS. MAX:

6 Q. Can you read the first message?

7 A. Defendant Stone: "Okay."

8 Q. Is this still March 4th?

9 A. Yes.

10 Q. Okay. Next message?

11 A. Defendant DeLeon -- Defendant DeLeon: "Yes, she just went
12 to the bank and after that she's going to Stephenville to pick
13 up the mail for her work."

14 Q. The next message?

15 A. Defendant Stone: "will you let -- will let you know when
16 done here and headed back."

17 Q. And the next message?

18 A. Defendant DeLeon responds: "Thank you, sir."

19 Q. Okay.

20 MS. MAX: Can we go to Government 37, page 200?

21 Can we do the second through fifth message?

22 BY MS. MAX:

23 Q. And what's the date on this message?

24 A. May 13, 2017.

25 Q. And who's sending it?

1 A. Defendant Stone.

2 Q. Will you read it?

3 A. "She's all yours."

4 Q. And the next message?

5 A. Defendant DeLeon: "She is a hell of a headache and one
6 dangerous person going backwards in her car. Any time she gets
7 in her car I will get the hell away from her."

8 "I can't believe that she did that again."

9 Q. Next message?

10 A. Defendant Stone: "Can't either! You need to spend more
11 time with her, at least five days and nights a week!"

12 Q. And next message?

13 A. Defendant DeLeon: "3 million wasn't enough. What she has
14 left damn sure ain't enough."

15 MS. MAX: Government 37, page 310. The first four
16 messages.

17 BY MS. MAX:

18 Q. Can you start with the first message?

19 A. Defendant Stone: "Oh remember she is your woman!"

20 Q. And what's the date of this?

21 A. April 7, 2018.

22 Q. Okay. Can you read the reply?

23 A. Defendant DeLeon: "And everyone else's."

24 Q. Okay. Is there anything in the next message?

25 A. No, ma'am.

1 Q. Okay. And then can you read the next message?

2 A. Yes, ma'am. Defendant DeLeon says: "Not even for
3 3 million reasons. I remember my first conversation like it
4 was last night, 'I wouldn't go out with you' and she was
5 upset."

6 MS. MAX: And can we go to page 336?

7 And can we do the first five messages?

8 BY MS. MAX:

9 Q. Read the top message.

10 A. Yes, ma'am. Defendant Stone: "Make her happy!"

11 Q. Next message?

12 A. Defendant DeLeon: "Somebody's got to make some money. I
13 sure am not doing it."

14 Q. What's the date on these messages?

15 A. December 8, 2018.

16 Q. Okay. Can you do the next message?

17 A. Defendant Stone: "Well, I remember not too long ago
18 3 million reasons for you to get married!"

19 Q. Next message?

20 A. "So true!"

21 Q. And the next message?

22 A. Defendant DeLeon: "I would not marry her back then for
23 3 million reasons. I would not marry her if this -- if is the
24 last woman on earth so help me God!!! I made that promise in
25 church one day and I am not going back on that promise."

1 MS. MAX: Can we go to page 10? And last message.

2 BY MS. MAX:

3 Q. What is the date of this message?

4 A. December 23, 2015.

5 Q. And who sent it?

6 A. Defendant DeLeon.

7 Q. Can you read it out loud, please?

8 A. "S.A. Stone, G.S.A. Consultants.

9 "Project Number 2.

10 "Progress report 12-23-2015, 15:45 hours.

11 "Miss Thompson is dressed properly. Her kids are
12 with her.

13 "I got her started. She is sitting at her office
14 entering assets, responsibilities and liabilities.

15 "JD."

16 MS. MAX: And can we go to page 18? And third and
17 fourth messages.

18 BY MS. MAX:

19 Q. Can you read the top message?

20 A. Defendant DeLeon: "S.A. Stone, are you still in Parker
21 County?"

22 Q. And who is the sender?

23 A. Defendant DeLeon.

24 Q. And what is the date?

25 A. January 9, 2016.

1 Q. And will you read the second message?

2 A. "S.A. Stone, hope you have a good flight."

3 Q. And what date is that?

4 A. January 11, 2016.

5 MS. MAX: And can we go to page 138?

6 And will you start with the fourth message and go all
7 the way down.

8 BY MS. MAX:

9 Q. And what is the date of this message?

10 A. May 4, 2016.

11 Q. And can you read it, please?

12 A. "Are you still with your fiancée?"

13 Q. And who's the sender?

14 A. Defendant Stone.

15 Q. Next message?

16 A. "Not well at all."

17 Q. Next message.

18 A. Defendant DeLeon: "No, sir. Just left 20 minutes ago so
19 I can go and check on my mother, make sure she eats lunch."

20 Q. Next message?

21 A. "I plan on getting right back. She needs the support
22 today."

23 Q. Next message?

24 A. "How are things going."

25 MS. MAX: Okay. Next page, 139. Top five.

1 BY MS. MAX:

2 Q. The top message, who's the sender?

3 A. Defendant Stone.

4 Q. Can you read it?

5 A. "No, just stay with her. Don't have a answer to give you
6 yet."

7 Q. And the next message?

8 A. Defendant DeLeon: "Do I need to stay with her and place
9 her in custody?"

10 Q. And what's the date on that message?

11 A. April -- I'm sorry. May 4, 2016.

12 Q. And the next message?

13 A. "No, check on your mother and do your errands. When I
14 leave here I will go to project's house and meet with both of
15 you. Should be around 5:00 p.m."

16 Q. The next message?

17 A. "Okay. I will turn around and go right back now."

18 Q. Okay. You can take off your readers, Ranger Briley.

19 A. Okay.

20 Q. Yesterday we had talked about Defendant DeLeon talking
21 with you in September 2019, correct?

22 A. Yes.

23 Q. And we talked about a lot of events that happened, a lot
24 of interactions that you had with Defendant DeLeon, right?

25 A. Yes, ma'am.

1 Q. But out of all of those interactions, how many times did
2 you have him on recording with Defendant Stone in September
3 2019?

4 A. Two times.

5 Q. Okay. Was that one phone call?

6 A. Yes.

7 Q. And then we heard about the -- wearing the wire to the
8 hospital?

9 A. Yes.

10 Q. Okay. So there were just two events that you got from
11 DeLeon recording Stone in September 2019?

12 A. Yes.

13 Q. Okay. Tell the jury what useful information did you gain
14 from those two events?

15 A. Essentially the real deal that I gained in utilizing
16 Defendant DeLeon was that Defendant Stone was willing to carry
17 on this secret probation story line in the matter.

18 Q. Did you learn any new facts about the secret probation?

19 A. No new facts, no.

20 Q. To your understanding, what was the supposed purpose of
21 the secret probation? What were they telling Cusi?

22 A. Supposedly to keep her clean, on a straight and narrow
23 path is what --

24 Q. Did you find any reason as to why that lie should be kept
25 up in September 2019 all the way to May 2020?

1 A. No.

2 Q. Okay. Is lying itself a crime?

3 A. No.

4 Q. Okay. What makes lies become a crime?

5 A. When you're lying and there's a crime associated with your
6 lie, such as money and lying about that.

7 Q. Did you draw an opinion as to why Stone and DeLeon were
8 continuing to lie about the secret probation through 2019 and
9 2020 when it's obvious Casi Thompson isn't being a probationer
10 anymore?

11 A. Yeah. Well, they had to carry on the lie that the
12 probation was real. To acknowledge that it wasn't real would
13 be admitting criminal culpability, would be admitting crime, so
14 that was what I concluded.

15 Q. Did you discover any aspect of wanting to -- did you draw
16 a conclusion as to why they would continue to lie to Casi about
17 the probation?

18 MR. WESTFALL: Your Honor, object as speculation.

19 THE COURT: Sustained unless Government --

20 MS. MAX: I can rephrase the question, Your Honor.

21 THE COURT: Okay.

22 BY MS. MAX:

23 Q. You talked yesterday about Casi Thompson talking to
24 Defendant DeLeon in a controlled call on September 3, 2019,
25 correct?

1 A. Yes, ma'am.

2 Q. And in that call does Defendant DeLeon repeatedly try to
3 convince Casi Thompson that the probation is real?

4 A. Yes.

5 Q. Okay. Because in that call has she confronted DeLeon that
6 she believes it's not real?

7 A. Yes. You're talking about September 3rd, correct?

8 Q. Yes.

9 A. Yes.

10 Q. After she had that call with DeLeon, did you talk with
11 Casi about how she felt at that moment about the secret
12 probation?

13 A. Yes, I did.

14 Q. And explain to the jury what she told you.

15 MR. WESTFALL: Object to hearsay, Your Honor.

16 THE COURT: Overruled.

17 A. She -- she thought, you know, maybe this is real, you
18 know. She was questioning that this probation is still
19 possibly very real to her at that moment, at that time.

20 Q. But at that time you had told her it's not real?

21 A. I had. I had told her that.

22 Q. But she has a phone call with Defendant DeLeon and reports
23 back to you that she's doubting that maybe it is actually real
24 again?

25 A. Exactly. Correct.

1 Q. Okay. Did you draw any other conclusions as to why Stone
2 and DeLeon may be keeping up the lie of the secret probation?

3 MR. WESTFALL: Object to speculation.

4 THE COURT: Unless you can establish how he would
5 know it, I'll sustain it.

6 BY MS. MAX:

7 Q. Ranger Briley, do Texas Rangers usually get involved in
8 fraud investigations?

9 A. No, ma'am.

10 Q. Is that something that your agency is not really known to
11 do?

12 A. That's correct.

13 Q. Would an FBI agent know that a fraud investigation is
14 something not in your wheelhouse, do you feel?

15 MR. WESTFALL: Object to speculation.

16 THE COURT: Sustained. Move on.

17 BY MS. MAX:

18 Q. Ranger Briley, we've talked about yesterday cooperating
19 with law enforcement, correct?

20 A. Yes, ma'am.

21 Q. In your opinion, when you have somebody cooperating with
22 you, are they cooperating if they're lying to you?

23 A. No.

24 Q. Okay. Explain to the jury why you feel that way.

25 A. Well, there's levels of cooperation. And when lying to

1 me, it's actually hindering the investigation. It's hindering
2 the truth that we're searching for, so you can't be cooperating
3 when you're lying.

4 Q. Okay. So you say you cannot be cooperating if you're
5 lying?

6 A. Yes.

7 Q. Okay. During your interactions with DeLeon, did he lie to
8 you?

9 A. Yes.

10 Q. Okay. Let's go through those lies.

11 we heard yesterday on September 5, 2019, when you
12 interviewed him, did you ask him specifically about whether he
13 had received any vehicles from Casi Thompson?

14 A. Yes, I did.

15 Q. And did he tell you that she had given him one -- I mean
16 that he had bought one?

17 A. Yes.

18 Q. Okay. Did you come to find out that that was a lie?

19 A. Yes.

20 Q. On September 16, 2019, did you once again talk to
21 Defendant DeLeon about the truck?

22 A. Yes.

23 Q. And what did he tell you?

24 A. On -- say the date again. September --

25 Q. September 16th.

1 A. Same story, that he -- she gave me -- no, I bought the
2 truck. I have the check.

3 Q. So September 16th, he told you another lie?

4 A. Yes.

5 Q. I bought the truck, I have a check.

6 A. Yes.

7 Q. What about September 17, 2019? Did you once again talk
8 about the truck?

9 A. I'm sure I did. I would have to -- I know several --
10 several times. I just don't know the exact date.

11 Q. Okay. If we have the recording of September 17th, you
12 once again asked him about the truck?

13 A. Yes.

14 Q. And once again, what did he tell you?

15 A. Same -- the same story.

16 Q. That he bought it and has the check?

17 A. Yes, that he bought the truck and has a check.

18 Q. And May 7, 2019, you once again interviewed Joseph DeLeon,
19 correct?

20 A. Yes.

21 Q. And, again -- I'm sorry, 2020.

22 A. Yes.

23 Q. And you once again asked him about the truck?

24 A. Yes.

25 Q. Once again, what did he tell you?

1 A. Same -- same story, bought the truck, I have the check.

2 Q. At any point in those four times that he brings up that he
3 bought the truck and he has the check, did he ever tell you
4 that Casi Thompson, a few days after giving her that check, she
5 paid him back the exact same amount?

6 A. No.

7 Q. Okay. On September 5, 2019, when you asked him about any
8 other compensation that Casi Thompson may have given him, did
9 he tell you about the \$15,000.00 check that he had received
10 from her?

11 A. No.

12 Q. So he lied to you on September 5, 2019?

13 A. Yes.

14 Q. When you talked to him again on September 16, 2019, he did
15 mention the 15,000 to you, right?

16 A. Yes.

17 Q. But did he tell you it was a year and a half into it?

18 A. Yes.

19 Q. Did you find out that was a lie?

20 A. Yes, I did.

21 Q. Did you find out that the truck and the money came to him
22 in the first 60 days of the secret probation?

23 A. Yes, I did.

24 Q. Did he explain why he was getting 15,000 from her?

25 A. For what -- for what he did, his help, his mentorship.

1 Q. Okay. And then on May 7, 2020, he does tell you about the
2 15,000 again, correct?

3 A. Yes.

4 Q. Does he say at that point it was two and a half years into
5 it?

6 A. Yes.

7 Q. Was that a lie?

8 A. Yes, that's a lie.

9 Q. We listened to a clip yesterday and we saw a drawing.
10 Remind the jury what that drawing and clip were about.

11 A. That drawing was about the meeting that Defendant Stone
12 and Defendant DeLeon had at Casi Thompson's residence where the
13 super secret federal probation was -- where it began in
14 December 2015.

15 Q. So probation papers at the beginning of the super secret
16 probation?

17 A. Yes.

18 Q. Was that a lie?

19 A. That was a lie.

20 Q. Papers didn't exist?

21 A. Correct.

22 Q. When you asked DeLeon if he would make controlled calls
23 for you and he agreed, explain to the jury, what sort of
24 prompts or scripts or questions did you give him in making
25 those calls to Stone?

1 A. In making these calls, again, like interviewing, very
2 simple request would be made of him, very -- very easy ones
3 like when is probation ending? When did it begin? Are you a
4 federal agent? You know, very simple questions like that would
5 be asked of Defendant DeLeon. That's how it was set up prior
6 to those controlled calls.

7 Q. How was he able to follow that task?

8 A. Not very well.

9 Q. Explain.

10 A. I have done a number of controlled calls in my career, and
11 I find that simple tasks --

12 MR. WESTFALL: Object to relevance, Your Honor.

13 THE COURT: Overruled.

14 A. I find that it's very easy for people cooperating with me,
15 whether they're a victim or just a cooperating witness, to
16 follow very simple things. Once they've agreed to make a call,
17 it's very easy for them to just -- for me write on a piece of
18 paper, say this, and then they do it.

19 In this instance with Defendant --

20 MR. WESTFALL: Object to relevance, Your Honor.

21 THE COURT: I'll sustain. Move on.

22 BY MS. MAX:

23 Q. Okay. Was Joseph DeLeon able to stay on track when you
24 gave him specific instructions as to what to say to Stone?

25 A. No.

1 Q. Did you draw an opinion from that?

2 A. Yes.

3 Q. And what was that opinion?

4 MR. WESTFALL: Object to improper opinion, Your
5 Honor. Speculation.

6 THE COURT: Read that back, Todd. Or, actually, let
7 me just look over your shoulder.

8 (Pause)

9 THE COURT: Sustained. Move on.

10 BY MS. MAX:

11 Q. We heard in a clip yesterday from Government's Exhibit 174
12 the interview of Joe DeLeon on September 5, 2019. We heard a
13 clip where y'all were talking about Casi Thompson's money that
14 had gone out in the probation, correct?

15 A. Yes.

16 Q. Okay. And Joe DeLeon said, "I still have it, but right
17 now I heard her say that she's been out 600-something thousand
18 dollars.

19 "On what did you ever hear that figure?

20 "Yesterday she said something about, well, I'm out
21 like 600."

22 Okay. So that's what we have Joe DeLeon saying on
23 September 5, 2019, correct?

24 A. Yes, ma'am.

25 Q. Going back to that controlled call that Casi Thompson and

1 Joe DeLeon had on September 3rd, was that the first controlled
2 call between those two parties?

3 A. Yes.

4 Q. In that controlled call do they acknowledge how recently
5 they had spoken to each other?

6 A. Yes.

7 Q. Did both of them acknowledge that it had been some time?

8 A. Yes.

9 Q. Many months?

10 A. Yes.

11 Q. In fact, I think once of them says years?

12 A. Okay.

13 Q. Okay. So placing us then that the first time that they've
14 communicated in a long time is September 3, 2019, correct?

15 A. Yes.

16 Q. You've listened to that controlled call?

17 A. Yes.

18 Q. Does Casi Thompson say anything in that controlled call
19 about money?

20 A. Not anything.

21 Q. So two days later, when Joe DeLeon says, "Yesterday she
22 said something about, well, I'm out like 600," was that true?

23 A. Yes.

24 Q. Was that a lie?

25 A. Yes.

1 Q. He did not hear her tell him that?

2 A. He did not -- yes, he did not hear it on September 3rd.

3 There was no discussion of money.

4 Q. In that September 5, 2019 interview, did you tell Joe
5 DeLeon anything about \$600,000.00?

6 A. No.

7 Q. In that same interview on September 5th, DeLeon says, "She
8 claims they dated and that's why I brought up the fact that we
9 went to Cracker Barrel."

10 Joe DeLeon is telling you that on September 5, 2019,
11 correct?

12 A. Yes.

13 Q. Going back to that September 3rd call with Casi Thompson,
14 does she talk to Joe DeLeon at all about her dating Bill Stone?

15 A. No, ma'am.

16 Q. So was that a lie?

17 A. That's a lie.

18 Q. Did you tell Joe DeLeon during that interview that Casi
19 Thompson and Bill Stone had in fact dated?

20 A. No, ma'am.

21 Q. So we've counted up one, two, three, four, five, six,
22 seven, eight, nine, ten lies here in just some of your
23 interaction with Joe DeLeon, correct?

24 A. Yes, ma'am.

25 Q. In your opinion, did Joe DeLeon cooperate in your

1 investigation?

2 A. No. Minimal cooperation.

3 Q. And one last thing, Ranger Briley. In the course of your
4 investigation, did you look -- did you ever learn whether or
5 not Stone was, in fact, in the CIA?

6 A. Yes, I confirmed he was not in the CIA.

7 MS. MAX: Pass the witness.

8 THE COURT: Members of the jury, are we doing okay?
9 All right.

10 (Pause)

11 THE COURT: Your witness, sir.

12 MR. GALLIAN: Thank you, Your Honor.

13 THE COURT: You're welcome.

14 CROSS-EXAMINATION

15 BY MR. GALLIAN:

16 Q. Ranger Briley, I introduced myself to you yesterday. My
17 name is Gregg Gallian. I'm one of the attorneys representing
18 Bill Stone. I've got some questions for you.

19 A. Yes, sir.

20 Q. Before yesterday, you and I -- we had never talked before;
21 is that right?

22 A. That's right.

23 Q. And this is actually the first time that you and I are
24 having any sort of conversation about the case; is that right?

25 A. That's correct.

1 Q. And that's pretty typical in the criminal defense world,
2 right? You don't hear from the defense attorney till trial; is
3 that right?

4 A. Yes, sir.

5 Q. Before we get into the substantive things about your
6 investigation, in preparation for your testimony what all have
7 you reviewed?

8 A. Well, I mean, I have reviewed some recordings, obviously,
9 some reports. Have I reviewed everything? No. But I reviewed
10 parts of which I was doing in this particular case and not
11 everything in that as well. I can't tell you exactly
12 everything I read.

13 Q. There are a lot of controlled calls, are there not?

14 A. Yes, there are.

15 Q. Okay. If we have in our little corner of fun over there,
16 is what I like to call it, about ten boxes of transcripts,
17 would that surprise you?

18 A. No, it would not surprise me.

19 Q. Okay. I have, fortunately or unfortunately, listened and
20 read all of them as I'm sure you have at some point. Is that
21 fair?

22 A. I can't say I've reviewed everything. No, sir, I can't
23 say that's fair.

24 Q. Okay. Thank you for your honesty.

25 I want to talk to you about generally an

1 investigation. Someone comes in to you -- and just in this
2 situation. Someone comes in to you to report a crime, you
3 obviously listen to what they have to say, right?

4 A. Yes.

5 Q. And as they're talking, you listen and you start thinking
6 with all of your knowledge, maybe there's a crime here, maybe
7 there's not; is that right?

8 A. That's fair.

9 Q. And it's not something where after an interview with
10 somebody for the first time that you are all of a sudden
11 representing that person, right?

12 A. I'm not counsel to them.

13 Q. Another way to describe it and what I've heard you say in
14 some of these controlled calls is that you don't have a dog in
15 the fight, right?

16 A. That's fair.

17 Q. Okay. You find the truth, and that's what matters.

18 A. I'm a factfinder.

19 Q. Okay. You don't pick sides?

20 A. I look for the facts.

21 Q. Okay. In terms of your due diligence in meeting with
22 Ms. Thompson, you met with her quite a few times, didn't you?

23 A. Yes, sir.

24 Q. I'm going to read some dates, and tell me if I've gotten
25 any of these wrong.

1 July 29, 2019, you met with Ms. Thompson?

2 A. Yes. That's true.

3 Q. August 1, 2019?

4 A. I would have to verify that.

5 Q. Do you trust me on it?

6 A. No.

7 Q. I respect that.

8 August 16th?

9 A. I would have to check that too.

10 Q. Okay. August 21st?

11 A. The dates sound like dates of controlled calls, but I
12 don't -- I can't say that I met with her on those particular
13 days you're asking me about.

14 Q. Since my trust is at issue here, if I just gave you a
15 ballpark and I said that you met with Casi Thompson about ten
16 times, does that sound about right?

17 A. That's fair.

18 Q. That way I don't trip you up on any of the dates and you
19 don't think I'm trying to trick you, okay? Does that sound
20 fair?

21 A. I'll answer your questions.

22 Q. All right. May 5, 2020, you sit down with Casi Thompson
23 with Ranger Briley -- I'm sorry -- Brian Luley, Andrew Latham,
24 Ivan Martinez, and yourself, correct?

25 A. Yes, sir.

1 Q. Do you ever sit down with Casi Thompson again after that?

2 A. I'm sure, yeah. I mean, there's been trial prep. There's
3 been a number of times that I've seen her since that time
4 period.

5 Q. Okay. Approximately how many?

6 A. I don't know. Since what date? May 2020?

7 Q. May 5, 2020, that last recorded interview.

8 A. I would be guessing. Could be ten.

9 Q. Okay.

10 A. Could be 15.

11 Q. Ten or 15?

12 A. Could be.

13 Q. Every interaction that you had with Ms. Thompson prior to
14 May 5, 2020, that was recorded, was it not?

15 A. Every interaction, no. There were -- there were phone
16 calls and times that I'm not recording sometimes, so no.

17 Q. Okay. I didn't know that. How often were you guys
18 talking on the phone?

19 A. Not very often, but it's in -- I'm sure the records are
20 here.

21 Q. Okay. Now, as we go through and we get past May 5, 2020,
22 are any of those interviews with Casi, are they recorded?

23 A. Any interviews that are recorded are in discovery, have
24 been provided. I don't know what you have or what you don't,
25 but --

1 Q. Well, I've gone through everything, and if I represent to
2 you that we have no recordings past May 5, 2020, do you have
3 any reason to think that any of those 10 to 15 were recorded?

4 A. All I can tell you is I don't know what got recorded,
5 what -- what -- after May 5th, I don't know.

6 Q. Okay. You mentioned that when you're asking whether it's
7 a defendant or a subject, you ask them questions and they seem
8 evasive, that that's a tell that they're probably lying. Do
9 you recall that portion of your testimony?

10 A. Yeah. I mean, when people are being evasive, there's a
11 deceptive -- there's a reason behind it.

12 Q. That's -- that is not -- you obviously have lots of
13 training in law enforcement, but that's not something that you
14 need to have a whole lot of training for to determine whether
15 or not somebody is lying, right?

16 A. I would think you need quite a bit of training to be
17 interviewing people about serious crimes.

18 Q. I understand. But if you're asking somebody a question,
19 if somebody is sitting right where you are and I'm asking them
20 question after question after question and they are being
21 evasive in their answers, is that something that all of us can
22 take that they're being untruthful?

23 A. No.

24 Q. Let's talk about the search warrant.

25 You went and executed the search warrant in

1 June 2020, correct?

2 A. Yes, sir.

3 Q. And in terms of what the operation was that day, you said
4 that there were maybe 15 agents there that were part of the
5 actual search. How many people were on scene at that time
6 approximately?

7 A. Could be 25, 30. I don't know.

8 Q. It's a pretty big operation, is it not?

9 A. It was a serious operation.

10 Q. Did I see in the report that there was even a drone
11 involved?

12 A. Yes, sir.

13 Q. Okay. Now, yesterday you weren't in the courtroom, but my
14 wife asked a question to Ranger Stoner. He was the Ranger that
15 came afterwards to do the pictures, correct?

16 A. Yes, sir.

17 Q. Before Ranger Stoner got there, did y'all put a tank in
18 Mr. Stone's front yard?

19 A. Yes.

20 Q. Okay. That's what you're using the PA before, correct?

21 A. Yes. Armored vehicle is basically what it is.

22 Q. To us non-law enforcement people --

23 A. A tank.

24 Q. -- it looks like a tank, right?

25 MS. MAX: Objection, Your Honor, sidebar.

1 THE COURT: Overruled.

2 BY MR. GALLIAN:

3 Q. Okay.

4 A. Yeah.

5 Q. It's a pretty sturdy-looking vehicle?

6 A. It's a large armored vehicle.

7 Q. Okay. And that was put in his front yard on the grass?

8 A. Yes.

9 Q. And I'm glad that you corrected your testimony, because
10 Bill Stone, on the search warrant day, he opened the door for
11 y'all, didn't he?

12 A. That's fair.

13 Q. He opened the door for you. And when he opened the door,
14 what was he wearing?

15 A. He was wearing, I think, underwear or shorts.

16 Q. Okay. Underwear only, correct?

17 A. Yes.

18 Q. And then you guys, as you said, you took him into custody?

19 A. Yes.

20 Q. Well, detention. You and I know that bears meaning, but
21 you put him in detention at that point, right?

22 A. Correct.

23 Q. And you cleared the house?

24 A. Yes.

25 Q. And while you were clearing the house, you took Mr. Stone

1 outside, did you not?

2 A. We stayed -- we remained -- actually went inside after the
3 house was cleared, stayed inside for a bit, talked about --

4 Q. Before the house was cleared, you took Mr. Stone outside
5 in the front yard --

6 A. Yes.

7 Q. -- in handcuffs?

8 A. Yes.

9 Q. All right. This is Colleyville, Texas. There are -- it's
10 a standard neighborhood. There are plenty of people seeing
11 what's going on, plenty of people outside seeing what's
12 happening, right?

13 A. Yes, sir.

14 Q. Now, we'll come back to the search warrant in just a
15 second.

16 Are you aware of -- well, let me back up. Did the
17 prosecution tell you what our opening statement was?

18 A. No, I don't have the opening statement for you.

19 Q. Okay. Did they tell you that in my opening statement I
20 admitted that the probation was fake? Did they tell you that?

21 A. I have been in -- I have learned that you're operating
22 under everything was a lie, that it is true that it was a lie,
23 everything except the money.

24 Q. Okay. And that's the point. Because in terms of the
25 probation, you and I and the jury very clearly know at this

1 point that there was no probation, right?

2 A. I mean, we know it's not true, I believe. But we know it
3 was --

4 Q. That wasn't a trick.

5 A. Okay.

6 Q. I mean, we know there was no probation out of Austin.

7 A. Okay.

8 Q. Right?

9 A. Yes.

10 Q. Okay.

11 A. Yes.

12 Q. There was no Judge Anderson?

13 A. Yeah.

14 Q. There is no Avery, analyst?

15 A. Uh-huh.

16 Q. Right?

17 A. Uh-huh. Yes, sir.

18 Q. There is no Dr. B?

19 A. Correct.

20 Q. There is no Dr. Z?

21 A. (Indicating in the affirmative)

22 Q. Right?

23 A. Yes.

24 Q. There's no Chet?

25 A. Correct.

1 Q. There's no Jerry, the trooper?

2 A. True.

3 Q. All lies?

4 A. Yes.

5 Q. Okay. We're on the same page, right?

6 A. Yes.

7 Q. Now, if this jury -- because you understand in a criminal
8 case -- well, in any case before a jury, the jury determines
9 the outcome. Do we agree?

10 A. Yes.

11 Q. If this jury believes that all of the gifts, all of the
12 money that Casi Thompson gave to Bill Stone were gifts and not
13 given under the pretenses of this fake probation, they can
14 believe that, can't they?

15 A. I trust their decision.

16 Q. Okay. And in that case that would not be a criminal
17 offense, would it?

18 A. I -- none of this was gifts from our criminal
19 investigation. They decide --

20 Q. I very fully understand your position on it, and we'll
21 talk more about your investigation; but I'm asking you, if the
22 jury decides that these were all gifts from Casi Thompson, that
23 is not a crime; it?

24 A. Yeah, the jury wouldn't -- that would not be a crime for
25 them.

1 Q. Thank you.

2 MR. GALLIAN: Your Honor, at this time I need to take
3 up something outside the presence of the jury --

4 THE COURT: Sure.

5 MR. GALLIAN: -- based on some questions that were
6 asked.

7 THE COURT: Certainly. And now is a good time for a
8 break. So why don't we go ahead and break a minute or two
9 early.

10 All rise for the jury.

11 we'll call you back in about 10:30.

12 And thank you for your time and attention.

13 Don't discuss the case or do any research.

14 Thank you.

15 (Jury out)

16 THE COURT: Everybody please be seated.

17 Mr. Taly, I see you there. We'll get you knocked out
18 here in just a minute.

19 MR. HAFFAR: Thank you, Judge.

20 THE COURT: Sure.

21 (Pause)

22 THE COURT: Okay. Outside the presence of the jury.
23 Yes, sir.

24 MR. GALLIAN: You can -- with permission, can he step
25 down?

1 I do not need him.

2 THE COURT: Yes. Absolutely.

3 Sir, feel free to take a break. Thank you.

4 THE WITNESS: Thank you.

5 THE COURT: Appreciate you.

6 MR. GALLIAN: Judge, I'm trying to follow the rules
7 here.

8 THE COURT: Absolutely.

9 MR. GALLIAN: And --

10 THE COURT: I'll tell you what, let's wait if you
11 don't mind.

12 MR. GALLIAN: Yes, Your Honor.

13 THE COURT: Because I don't think he was the case
14 agent who stayed in, was he? Okay. So just since we invoked
15 the rule.

16 Ranger, whenever you -- we'll wait for you to step
17 outside, sir. This doesn't pertain to you, I don't believe;
18 but in an abundance of caution, we'll keep everything all
19 tidied up.

20 All right. And so now I don't believe there are
21 any -- if y'all turn around, I don't believe there's any
22 witnesses who will testify present, other than the people who
23 are exempted from the rule.

24 Yes, sir. Outside the presence of the jury, what say
25 you?

1 MR. GALLIAN: So I'm trying to follow the rules.

2 THE COURT: Certainly.

3 MR. GALLIAN: I believe that the Government violated
4 their own motion in limine.

5 THE COURT: Okay.

6 MR. GALLIAN: And, therefore, I wanted to approach
7 before I got into it.

8 THE COURT: Okay.

9 MR. GALLIAN: The motion in limine that I'm
10 discussing is the one that references any sort of punishment
11 that can happen in this case.

12 The Court will recall that they played a portion of
13 the interview with Bill Stone where Mr. Stone says -- and I'm
14 reading the transcript from that call: "What's the best
15 case/worst case? Do you think this would be a probation case?"

16 Mr. Luley then responds, "Personally I believe so. I
17 can't say that for sure."

18 "I understand."

19 And then they stop the clip.

20 So two issues with that. One, not only did they
21 admit the call for all purposes with no redactions and the
22 corresponding transcript, but now they have left with the jury
23 the impression that he's going to get probation when if you go
24 just two sentences down Mr. Luley is saying that it's
25 obviously if you're found guilty of 1343 it's a 20-year

1 sentence.

2 So I don't know if it was an error, I don't know what
3 the reason is, but they've left this impression with the jury
4 that Bill Stone was facing probation. They didn't just open
5 the door, they kicked the thing down by putting the transcript
6 in evidence. And I think it's fully fair game for us to get
7 into it at this point.

8 THE COURT: Okay.

9 MR. WESTFALL: Your Honor, we will join
10 wholeheartedly in that motion.

11 THE COURT: All right. Appreciate that. So --

12 MR. WESTFALL: I'm glad that he brought it up,
13 because I was -- I'm still in State court, I was just going to
14 go there, so --

15 THE COURT: I'm glad you didn't.

16 MR. WESTFALL: I know. I know.

17 THE COURT: And I appreciate everybody's courtesy
18 doing what I expect professionals to do and doing this outside
19 the presence of the jury so the Court can weigh in. I
20 appreciate that.

21 So just to refresh, I'm looking at Document 89,
22 Government's motion in limine. And Number 1, I'll just read
23 it. And Government, I'll get your response.

24 First motion in limine from the Government is any
25 reference to potential sentence and conviction ramifications.

1 Todd, if you'll indulge me for a moment.

2 "The Government moves to preclude any direct or
3 indirect references to the sentence that might be imposed
4 should either defendant be convicted of the offenses charged,
5 the conditions the defendants may face in prison if convicted
6 and sentenced to a term of imprisonment and any impact that a
7 sentence may have on the defendants or their families. Such
8 references are expressly inadmissible and irrelevant and they
9 would be unfairly prejudicial.

10 "It is well established that a jury may not, in
11 reaching its verdict, consider any possible sentence that might
12 be imposed following conviction."

13 And then there's a citation to a case.

14 This principle "is a reflection of the basic division
15 of labor in our legal system between judge and jury. The
16 jury's function is to find the facts and to decide whether on
17 those facts the defendant is guilty of the crime charged. The
18 judge, by contrast, imposes sentence on the defendant after the
19 jury has arrived at a guilty verdict. Further, reference to
20 any potential punishment would put before the jury a matter
21 that the Court specifically directs the jury not to consider in
22 the following pattern jury instruction."

23 And so -- anyway, I won't read that. It's
24 instruction 1.22, caution - punishment.

25 And the last sentence of the motion in limine reads:

1 "Therefore, the Government respectfully requests that the Court
2 exclude evidence and argument regarding the potential sentences
3 or consequences each defendant is facing."

4 And I believe that the parties agreed to this, but if
5 you would please confirm my recollection.

6 MR. WESTFALL: We did agree, Your Honor.

7 MR. GALLIAN: We agreed.

8 THE COURT: All right. If you'll be seated for a
9 moment.

10 Government, what say you?

11 MS. MAX: Your Honor, we've had multiple, at least
12 two that I'm aware of, possibly even more, meetings prior to
13 trial to discuss the evidence. This has been on the
14 Government's evidence list, this entire exhibit the entire
15 time. And they -- the entire recording. And --

16 THE COURT: What does that have to do with my motion
17 in limine?

18 MS. MAX: Because they have never objected to us
19 introducing it in its entirety.

20 THE COURT: They don't have to. I had a motion in
21 limine that we were not going to get into this, and y'all did.

22 So whether it's listed or not, your duty as to this
23 Court, as an officer of the Court, is to follow this Court's
24 rules. And it was your own motion in limine that they agreed
25 to, and this Court expects it to be enforced.

1 So I don't care if it's on an exhibit list. I don't
2 care if it's blown up on a piece of paper. Y'all are sensible
3 lawyers who know not to get into things this Court has ruled
4 inadmissible by your own agreement and your own motion.

5 So talk to me about something not about being on an
6 exhibit list. Why did you violate this Court's rule?

7 MS. MAX: Your Honor, these are the Defendant's own
8 statements. And we've already established in testimony -- I
9 elicited from Ranger Briley that the things that he says to a
10 defendant in the course of an interview may not necessarily be
11 true statements by him.

12 He explained to the jury, I'm saying things to elicit
13 from them certain responses and to get them in a certain place,
14 but I don't have to tell the truth.

15 And the agents said they don't know what the charges
16 would be. They say throughout their recording that it's up to
17 the prosecutor.

18 So, you know, if they want to play the rest of the
19 recording so that they can have the entirety of the
20 conversation with that defendant -- I mean, it is in evidence,
21 so they're not leaving -- we're not leaving just a portion of
22 that out. But it should be limited to just that. I mean, that
23 is a conversation that the Defendant had at the time of the
24 search that isn't getting into the range, per se. It's going
25 toward what the Defendant's state of mind was when learning

1 upon that he is look at potential criminal charges.

2 THE COURT: I don't disagree with any of that. But
3 you still haven't answered why you violated this Court's rule.

4 (Pause)

5 THE COURT: It was your own motion. Said not going
6 to get into it. You agreed to it. You did.

7 MS. MAX: Your Honor, we look at it as the motion in
8 limine is to preclude what they are going to bring up and
9 discuss with the jury versus the evidence that the Defendant
10 has provided us directly of his guilt.

11 THE COURT: No, that's a distinction without a
12 difference. When this Court issues -- you've been a prosecutor
13 a long time. When this Court issues an order, there are no
14 nuances to this. I didn't say if it was brought up on cross or
15 if it's rehabilitation. We were not going to get into this.
16 It's your own motion.

17 So I've given you an opportunity to be heard. Please
18 be seated.

19 I'm going to let y'all clean this up any way you
20 wish.

21 MR. GALLIAN: Thank you, Your Honor.

22 THE COURT: Court is in recess.

23 SECURITY OFFICER: All rise.

24 (Recess)

25 THE COURT: Please be seated.

1 I think I snuck out without my court officer. Just a
2 second. Let me know when you're ready to go on the record.

3 (Pause)

4 THE COURT: Okay. Outside the presence of the jury.

5 I was thinking over our short break about the
6 appropriate remedy, and here is what I propose, something along
7 the lines of a statement that -- or in the form of a question,
8 it will be up to this Court to determine the punishment and
9 that that could be anything from probation to -- is 20 the
10 statutory max? Is that what you-all were -- well, let me ask
11 you what you guys are proposing first.

12 MR. GALLIAN: Your Honor, I don't think anything too
13 crazy. I believe that fat pigs get slaughtered. So I'm not
14 going to ask for a whole bunch. But I do think in fairness
15 that we should read the portion of the transcript that they
16 went into and admitted as evidence and just finish that next
17 statement.

18 THE COURT: Can you show that to me?

19 MR. GALLIAN: Sure, actually.

20 THE COURT: Government, do you have it?

21 MR. GALLIAN: May I approach?

22 THE COURT: Yeah, sure.

23 (Pause)

24 THE COURT: Okay. And remind me -- and Government, I
25 need you to weigh in too. How far did we get into this?

1 what's the best case/worst case? Do you think this would be a
2 probation case?

3 Let's go off the record for a second.

4 (Discussion off the record)

5 THE COURT: Sorry, Mr. Gallian. If you could repeat
6 that. I've got before me the transcript of the interview.
7 It's been represented to me that what the jury has heard
8 already -- and this is from page 51 -- is the following:

9 "Mr. Stone:" Question -- or statement. "what's the
10 best case/worst case? Do you think this would be a probation
11 case?

12 Response, "Mr. Luley: Personally I believe so. I
13 can't say that for sure."

14 And so what I heard off the record is that defense
15 counsel proposes to add the following remark from Mr. Stone, "I
16 understand." And also the remark from Mr. Luley in response,
17 "But I personally believe the worst case scenario is we do take
18 it to trial, Danny and I put on a solid investigation, and
19 obviously if you're found guilty 1343 is a 20-year sentence."

20 And is that what you propose to enter into evidence?

21 MR. GALLIAN: Yes, Your Honor.

22 THE COURT: All right. Now, I would -- for
23 clarification purposes, my only concern about that is that
24 makes it sound as if it is for certain a 20-year sentence, and
25 both sides know that it would be up to this Court to determine

1 that. It wouldn't be a 20-year mandatory minimum, would it? I
2 haven't looked into the punishment.

3 MR. GALLIAN: No.

4 THE COURT: Okay. And so I would propose that if the
5 Court agrees to do that, that we follow it up with me just
6 making a very short plain statement to the jury in the event
7 that either defendant is convicted it will be up to this Judge
8 to determine what an appropriate punishment is.

9 MR. GALLIAN: I believe that that's fine.

10 THE COURT: Okay. And that could be anywhere from
11 probation to -- is 20 years the max?

12 MS. MAX: Yes, Your Honor.

13 MR. GALLIAN: Well, according to the DOJ press
14 release, it's 178 years.

15 THE COURT: Oh, my goodness.

16 MS. RUDOFF: They weren't grouping.

17 MR. GALLIAN: But you know they love the press
18 release.

19 MS. RUDOFF: They weren't grouping or doing by the
20 guidelines or anything like that.

21 THE COURT: Okay. All right. And so because what I
22 don't want to do is create a new misimpression that it is a
23 slam-dunk 20-year case when I would be the one determining what
24 it would be.

25 MR. WESTFALL: Probation is actually precluded by

1 law, Your Honor.

2 THE COURT: Is it by law?

3 MR. WESTFALL: Yeah.

4 THE COURT: Okay. All right.

5 All right. So, Government, what say you as to a
6 remedy?

7 MS. MAX: Your Honor, I'd just like to put on the
8 record that, again, the Government introduced these statements.
9 They were not statements of the lawyers or the Court. They
10 were a statement that was showing the Defendant's perspective
11 at the time that he was confronted with a search warrant and
12 told of the crimes that were being investigated of him. So the
13 Government introduced these as his statements as evidence of
14 his guilt.

15 And also the Government had already established with
16 the jury that the statements made by investigators of the time
17 of an investigation may not be truthful and are said to elicit
18 different responses.

19 we do -- I like your line of thinking, Your Honor.
20 There is -- we ask that -- in the jury instructions we would
21 ask for an inclusion of the Fifth Circuit pattern jury charge
22 of 1.22, caution - punishment.

23 THE COURT: All right. So just to make clear for the
24 record -- I appreciate your statement, but to make clear for
25 anyone who would be reviewing this case, the Government's own

1 motion in limine Number 1 was excluding -- was the Government
2 moving to preclude any direct or indirect references to the
3 sentence that might be imposed should either defendant be
4 convicted of the offenses charged and further.

5 And so that was agreed to by all the parties. The
6 Court believes that in whatever form it came in, this certainly
7 was a direct reference to the sentence that might be imposed.

8 And so I believe that my motion in limine -- the
9 motion in limine that was reached by the parties has been
10 violated.

11 The remedy proposed by defense counsel is acceptable
12 to the Court with the proviso that I will add, if you-all don't
13 have objections, either side, something to the effect of
14 ultimately it will be up to the Court to determine, if the
15 Defendants are convicted, what the sentence would be.

16 MR. GALLIAN: I think that's more than fair, Judge.

17 THE COURT: Sound good?

18 MS. MAX: And, Your Honor, I think what you're saying
19 is exactly captured by 1.22, if you would just include this in
20 the jury instructions.

21 THE COURT: Okay. Well, I'll take that up at the
22 charge conference. But as far as remedy for right now, have
23 you any objection?

24 MS. MAX: No, Your Honor.

25 THE COURT: All right. Okay. Let's do that as the

1 fix. And how do you want to do this? Do you want to just read
2 that in?

3 MR. GALLIAN: I'm going to get to it.

4 THE COURT: Okay.

5 MR. GALLIAN: I'm going to go through a couple of
6 different portions on the transcript.

7 THE COURT: Okay.

8 MR. GALLIAN: I can do it first, so that way we
9 can --

10 THE COURT: Okay.

11 MR. GALLIAN: I will defer to the Court. I can move
12 things around.

13 THE COURT: I think it would be good to just knock
14 that out real quick --

15 MR. GALLIAN: That sounds great.

16 THE COURT: -- and take it from there.

17 MR. GALLIAN: Perfect.

18 THE COURT: I do appreciate the parties having a sub
19 rosa hearing not in the presence of the jury.

20 If you believe that anything else, both sides, has
21 been violated or something that could potentially result in a
22 mistrial, if you will do the Court the courtesy you have by
23 allowing me to discuss it outside the presence of the jury, I
24 would be most grateful.

25 Yes, ma'am?

1 MS. MAX: Your Honor, I'm sorry. Can you clarify
2 exactly what is going to be said to the jury right now?

3 THE COURT: Sure. Let me write it out.

4 (Pause)

5 THE COURT: Okay. Here's what I propose saying:
6 Ultimately, if either defendant is convicted of any crimes, it
7 will be up to me to sentence them.

8 Any objection from defense?

9 MR. GALLIAN: No objection.

10 MR. WESTFALL: No objection.

11 MS. MAX: Your Honor, could you also add that you
12 should not be concerned with punishment in any way, it should
13 not enter your consideration or discussion? That's following
14 the pattern jury charge, Your Honor.

15 THE COURT: Any objection, defense?

16 MR. GALLIAN: I think -- I defer to the Court.

17 THE COURT: All right. I'll add it. You should not
18 be concerned with punishment in any way.

19 what was the last part?

20 MS. MAX: It should not enter your consideration or
21 discussion.

22 THE COURT: Okay.

23 MR. GALLIAN: Judge, I thought you were leaning our
24 way, so now we object -- no, I'm just kidding.

25 THE COURT: Okay. Should not enter your

1 consideration or -- what was the last?

2 MS. MAX: Discussion.

3 THE COURT: Discussion.

4 Okay. Any objection to that, either side?

5 MR. GALLIAN: I hate to do this. Can you read it in
6 its entirety?

7 THE COURT: Sure. Absolutely. That's a fair
8 request.

9 Here's what I propose saying: Ultimately, if either
10 defendant is convicted of any crimes, it will be up to me to
11 sentence them. You should not be concerned with punishment in
12 any way. It should not enter your consideration or discussion.

13 Acceptable to Government?

14 MS. MAX: Yes, Your Honor.

15 THE COURT: Acceptable to defense?

16 MR. GALLIAN: Acceptable.

17 THE COURT: All right.

18 MR. WESTFALL: Yes, Your Honor.

19 THE COURT: Great. Then we'll move on from there.
20 Fantastic.

21 All right. Todd, you have not had a break at all.
22 Do you need to stretch your legs?

23 Absolutely. Why don't you run into -- are you sure?

24 THE REPORTER: I'm good.

25 THE COURT: Okay. All right. Ready to bring them

1 out?

2 MR. GALLIAN: Your Honor, may I approach to retrieve
3 the transcript?

4 THE COURT: Oh, yes. Of course. Oh, and I'm sorry.
5 Can I -- can I give you everything but the first page?

6 MR. GALLIAN: No, no. I got it. You can have it.

7 THE COURT: Okay. No. How about this? I will hand
8 it to you as soon as I read it. Is that okay?

9 MR. GALLIAN: Sure.

10 THE COURT: Well, actually, you were going to -- you
11 know what? Let me just write this down real quick.

12 MR. GALLIAN: It's all up here, Judge. I've got it.

13 THE COURT: Why don't you stack them up?

14 No, no, no. I'll write it down on a piece of paper.
15 I wasn't thinking.

16 If you'll stack them up, I'll just write it down
17 here, my part. Sorry.

18 (Pause)

19 THE COURT: Thank you-all for working together.

20 One moment. One moment.

21 (Pause)

22 THE COURT: All right. Everybody ready?

23 Everybody check your phones.

24 Okey-dokey. I think we're ready.

25 SECURITY OFFICER: All rise for the jury.

1 (Jury in)

2 THE COURT: All right. Everyone please be seated.

3 If everybody will check your phones, please.

4 Sir, your witness.

5 MR. GALLIAN: Thank you, Your Honor.

6 CROSS-EXAMINATION CONTINUED

7 BY MR. GALLIAN:

8 Q. Ranger Briley, I want to go back to something that was
9 discussed on direct examination.

10 MR. GALLIAN: Carly, if we could publish Government's
11 Exhibit 86, page 51, please.

12 BY MR. GALLIAN:

13 Q. Do you recall this portion of the recording that the
14 Government played while you were on direct examination?

15 MR. GALLIAN: Carly, if we could just zoom in on that
16 top part, please, through page 11.

17 A. Yes, sir, I do.

18 Q. Mr. Stone was asking, "Do you think this would be a
19 probation case?"

20 And we heard on the recording Brian Luley say,
21 "Personally, I believe so. I can't say that for sure."

22 Mr. Stone then says, "I understand." Correct?

23 A. Yes, sir.

24 Q. Then Brian Luley, where it was cut off, then says, "But I
25 personally believe the worst case scenario is we take it to

1 trial, Danny and I put on a solid investigation, and obviously
2 if you're found guilty 1343 is a 20-year sentence."

3 Did I read that appropriately?

4 A. Yes, sir, you did.

5 MR. GALLIAN: Thank you, Carly.

6 THE WITNESS: Yes, sir.

7 THE COURT: So members of the jury, I will instruct
8 you at the end of this trial, and I'm doing so now, ultimately
9 if either defendant is convicted of any crimes, it will be up
10 to me to sentence them. You should not be concerned with
11 punishment in any way. It should not enter your consideration
12 or discussions.

13 Your witness, sir.

14 MR. GALLIAN: Thank you, Judge.

15 THE COURT: You're welcome.

16 BY MR. GALLIAN:

17 Q. All right. Going back to the conversation with Bill Stone
18 that day --

19 MR. GALLIAN: I would like to publish again
20 Government's 86.

21 And, Carly, if we could jump to page 8, please.

22 Line 18 all the way to 25, please.

23 BY MR. GALLIAN:

24 Q. All right. So obviously we're all taking different
25 portions of this interview that you and Luley had with Bill

1 Stone at his house that day, correct?

2 A. We're taking what?

3 Q. Prosecution is using different clips. We're using
4 different clips. But this is from the interview that day,
5 right?

6 A. This is from the interview that day.

7 Q. Okay. And based on page 8, this was pretty early into
8 your conversation with Bill Stone. I'm going to read this out
9 loud and tell me if I read it correctly.

10 A. Okay.

11 Q. Mr. Stone says: "I will tell you guys whatever."

12 Then it says: "Unknown male: Yeah."

13 Mr. Stone then says: "We were engaged to be married.
14 We were going to -- we bought this house. She was going to
15 move up here from Granbury. I mean, I just -- I mean, it was
16 just we fell in love."

17 Did I read that appropriately?

18 A. Yes, sir, you did.

19 Q. And when we say "this house," just to be unequivocally
20 clear, you guys are at his house in Colleyville, Texas, when
21 this interview was happening, correct?

22 A. Yes, we were at his house.

23 Q. Okay.

24 MR. GALLIAN: Carly, if we could jump to page 13,
25 please, and lines 13 to 25.

1 BY MR. GALLIAN:

2 Q. At some point Brian Luley excused himself from the
3 conversation, didn't he, and he went outside to make a phone
4 call?

5 A. There was a time when he excused himself. I don't
6 remember for what purpose.

7 Q. Okay. I'm going to start on line 18, so please follow
8 along with me.

9 "He's just kind of frazzled right now. He called his
10 attorney from my phone. Of course we (indiscernible at 9
11 minutes 52 seconds) and his attorney advised him not to give
12 the codes to his phones, but after he hung up he said F it
13 here's the codes. So that's where we're at in the process."

14 Did I read that correctly?

15 A. Yes, sir.

16 Q. All right. And to be clear, I was not representing Bill
17 Stone at this time, correct?

18 A. Correct.

19 Q. But he did have a conversation with his attorney at the
20 time, right?

21 A. Yes.

22 Q. And his attorney at the time told him not to give you guys
23 the codes to the phones, right?

24 A. That's what he said.

25 Q. Not to give you guys the codes to the safe, right?

1 A. I don't know what his attorney said.

2 Q. Well, after his conversation with the attorney, Bill Stone
3 gave you combination to all the safes, right?

4 A. Yes, sir.

5 Q. Gave you the key to the safes?

6 A. Yes.

7 Q. And gave you the passwords to his devices as well?

8 A. Yes, he did.

9 Q. And an individual who is a defendant, a subject, a target,
10 whatever you want to say, if something is being taken from
11 their possession, whether it's a phone, a computer, or
12 what-have-you, that individual is under no obligation to give a
13 passcode or anything, correct?

14 A. Yes, that's correct.

15 Q. There was a moment in time where you guys informed Bill
16 Stone that you were taking the vehicles from his house, right?

17 A. Yes, there was.

18 Q. Okay. And the vehicles that we're talking about are the
19 Tacoma and the Mercedes Benz; is that right?

20 A. Yes.

21 Q. When you told him that you were taking the cars, do you
22 recall his reaction to that?

23 A. Why, I think was his response. I don't remember further
24 what his response was.

25 Q. Okay.

1 MR. GALLIAN: Carly, if we could publish Government's
2 Exhibit 86, page 16, please.

3 If we could do line 9 through 14.

4 BY MR. GALLIAN:

5 Q. Follow along with me, Ranger Briley, and tell me if I read
6 this correctly.

7 Mr. Stone: "Can you guys tell me why you're seizing
8 my trucks, my vehicles? Can you tell me why?"

9 Unknown male says: "Yeah."

10 Mr. Stone then says: "That doesn't have anything to
11 do with this."

12 Did I read that correctly?

13 A. Yes, sir.

14 MR. GALLIAN: Thank you, Carly.

15 BY MR. GALLIAN:

16 Q. It is common in your investigations to compile an
17 investigation report in any case that you're working; is that
18 right?

19 A. Yes.

20 Q. And in this situation, I'm sure you reviewed it before you
21 testified, that there was a report that you compiled that was
22 about 35 pages; is that right?

23 A. Yes, sir.

24 Q. That report was provided to the Government and then
25 ultimately provided to us. You're aware of that?

1 A. Yes, sir.

2 Q. In your report -- well, backing up, you don't like
3 financial fraud crimes, right?

4 A. That's accurate.

5 Q. They're boring as heck?

6 A. Yep.

7 Q. Okay. You would rather do some violent, drug related,
8 anything other than let's look at someone's bank accounts; is
9 that fair?

10 A. Yes.

11 Q. Okay. So at some point in this investigation after some
12 controlled calls, you realize that this could possibly be a
13 financial crime. Do we agree?

14 A. I realize there was a financial component to this, this
15 investigation from -- from probably about -- maybe the second
16 interview with the victim.

17 Q. Okay. And that's what I'm asking --

18 A. Uh-huh.

19 Q. -- is at some point you determined this is a possible
20 financial crime, right?

21 A. Yes, sir.

22 Q. Okay. Unfortunately for you, financial crimes require
23 that you have to review bank records; is that right?

24 A. Financial crimes do require review of financial records
25 from wherever those records exist.

1 Q. Okay. Now, when you sat down with Casi in October,
2 specifically October 2nd of 2019, Casi told you that she had
3 five different accounts at First Financial Bank. Do you recall
4 that?

5 A. No, sir.

6 Q. Okay. If I had a transcript from that meeting that you
7 had with Ms. Thompson and I showed you that transcript, do you
8 think that would help refresh your memory?

9 A. Yes, sir.

10 Q. Okay.

11 MR. GALLIAN: May I approach, Your Honor?

12 THE COURT: You may.

13 (Pause)

14 BY MR. GALLIAN:

15 Q. So I just handed you two stacks. One is just the front so
16 you can see how the interview started on the day. The second
17 one is the relevant page, page 19.

18 If you could refresh -- read that until you have
19 refreshed your memory, and then let me know when you're done
20 please.

21 A. You want me to review page 19?

22 Q. Page 19, yes, sir.

23 A. Okay.

24 (Pause)

25 A. Okay.

1 BY MR. GALLIAN:

2 Q. Okay. In October 2019, Casi Thompson told you that she
3 had five bank accounts at First Financial Bank; is that right?

4 A. I just don't know the date of this. It's not reflected on
5 here.

6 Q. Okay. I believe on that one it's on the last page --

7 A. Okay.

8 Q. -- before you end your recording.

9 A. Okay. So it's page 60 -- I'm not seeing a date.

10 Q. Okay.

11 A. October 2, 2019. Yes. Is that what you said?

12 Q. Yes, sir.

13 A. Yes, sir, it's there.

14 Q. All right. You don't trust me very much, do you?

15 A. No, sir.

16 Q. Okay. Appreciate the honesty.

17 Thankfully everything that I ask you can be pointed
18 in your records, okay?

19 A. Yes, sir.

20 Q. All right. So October 2, 2019, Casi Thompson tells you
21 she has five accounts at First Financial, do we agree?

22 A. Yes, sir.

23 Q. Okay. In your report you mentioned that in September 2019
24 you issue grand jury subpoenas for both Bill Stone and Casi
25 Thompson at the following institutions: First Financial Bank,

1 J.P. Morgan Chase, Navy Credit Union bank, and wells Fargo
2 Bank, right?

3 A. Yes, sir.

4 Q. When you issued those subpoenas, those agencies then give
5 you all the dreaded stuff that you don't want; is that right?

6 A. Sometimes they provide it; sometimes they don't.

7 Q. Okay. In this situation when you sent subpoenas to First
8 Financial Bank, did you get responsive documents?

9 A. I don't know. Not all of those financial institutions
10 actually responded.

11 Q. Okay. There was no follow-up from you?

12 A. There was follow-up on the DOJ side for the financial --

13 Q. Okay.

14 A. -- all these financial records.

15 Q. Do you ever recall receiving any records from First
16 Financial?

17 A. I don't.

18 Q. Do you recall at any point in this investigation ever
19 going through bank records from First Financial?

20 A. I don't.

21 Q. In any sit-down with Brian Luley, Casi Thompson, Andrew
22 Latham, do you ever recall anyone pointing to a First Financial
23 Bank record?

24 A. No, sir.

25 Q. Okay. The reason I ask is because you know that -- you

1 may or may not know, but we asked for those bank records and we
2 were denied. Did you know that?

3 A. No, sir.

4 Q. Casi Thompson has five accounts at First Financial.
5 Agree?

6 A. That's what is said in the record.

7 Q. Okay.

8 MR. GALLIAN: May I approach, Your Honor?

9 THE COURT: You may.

10 (Pause)

11 BY MR. GALLIAN:

12 Q. All right. I want to talk to you about what I call red
13 flags in your investigation. You may not agree with the term,
14 but we'll go through them section by section, okay?

15 A. Yes, sir.

16 Q. All right. First, let's talk about this ring.

17 At any point did Casi Thompson ever tell you she
18 bought a ring from Bill Stone?

19 A. That she bought a ring from Bill Stone?

20 Q. Yes, sir.

21 A. I don't recall that. I'm not saying it didn't happen, I'm
22 just saying I don't recall that.

23 Q. I know, but it's a financial fraud crime, and you have no
24 memory of Casi Thompson ever mentioning that she bought a
25 diamond ring from Bill Stone. Is that fair?

1 A. Yes.

2 Q. Next topic, restitution. I think there are two separate
3 restitution things going on at the same time, okay? And I want
4 to talk to you more about that.

5 You've seen the text messages where Casi texted Joe
6 about the Enterprise restitution, have you not?

7 A. Yes, sir.

8 Q. Okay. Now, in those texts Casi says -- and the jury has
9 seen them like 5,000 times at this point. But Casi tells Joe,
10 I'm on the do-not-rent list, and then she says that she paid
11 the balance and she was able to take the car and drive away.
12 Is that an accurate summary?

13 A. I don't remember about her able to take the car and drive
14 away, but I remember that they had a discussion about it.

15 Q. Okay. Since my trust is at issue, we'll pull it up.

16 MR. GALLIAN: Carly, Government's 38, jump page 477,
17 please. You're fast.

18 All right. On that first blue text, please.

19 BY MR. GALLIAN:

20 Q. "Casi Thompson 2014 new cell.

21 "I'm on the do not rent list at Enterprise."

22 Did I read that correctly?

23 A. Yes, sir.

24 MR. GALLIAN: All right. Carly, if we can go to the
25 next green text message and the next -- yep, that's fine too.

1 BY MR. GALLIAN:

2 Q. That text message chain is clearly a conversation with
3 Joseph DeLeon, do we agree?

4 A. Yes.

5 Q. And he says, "why?" Did I read that correctly?

6 A. Yes.

7 MR. GALLIAN: All right. Carly, if we could go to
8 the third blue text message, please.

9 BY MR. GALLIAN:

10 Q. Casi then says, "I called and talked to Enterprise
11 cooperate," corporate. "They said balance has been paid and
12 I'm able to rent. So we're headed back. We were almost home."

13 Did I read that correctly.

14 A. Yes, sir.

15 Q. Okay. So there was -- based on these text messages, there
16 was some issue at Enterprise at some point that Casi had in
17 December 2015; is that right?

18 A. Yes, sir.

19 Q. All right. Casi, in one of the recorded phone calls with
20 Joe DeLeon mentions the word "restitution" for the first time.
21 Do you recall that interview?

22 A. I recall the mentioning of restitution.

23 Q. Okay. And if we go with what Joe -- I'm sorry, Casi then
24 tells Joe that it was \$120,000.00 in restitution, do you
25 remember that?

1 A. Yeah. She actually says 125,000.

2 Q. 125,000 in restitution, to which Joe DeLeon then says
3 something along the lines of, what? I thought that was 4- or
4 \$5,000.00.

5 Do you recall that?

6 A. Yes, sir.

7 Q. Okay. I think you and I can both agree that 4- and
8 \$5,000.00 is much more consistent with what a restitution would
9 be at Enterprise than \$250,000.00. Do we agree?

10 A. Yes, sir.

11 Q. I have an Excel spreadsheet here that Jaclyn put a lot of
12 time -- my wife put a lot of time and energy into about this
13 restitution issue.

14 would it surprise you if the first person who
15 mentions Enterprise as it relates to restitution was actually
16 Joe DeLeon?

17 A. I don't take it as a surprise.

18 Q. Okay. Because up until that point, I think you and I can
19 agree that in the 7-29 and the August 1st interview with Casi
20 Thompson she never mentioned restitution or Enterprise. Do we
21 agree?

22 A. Timeline-wise, I don't remember that order.

23 Q. Okay.

24 A. I'm okay with that, though.

25 Q. Starting to trust me more. I like it.

1 All right. October 2, 2019 -- I'm sorry. Here it
2 is. September 19, 2019, Casi makes a controlled call with Joe
3 DeLeon. Does that sound about right?

4 A. I would think she made a controlled call to DeLeon. She
5 made a few.

6 Q. Okay. Casi says that, "Remember that time you made me do
7 the restitution in a cashier's check?"

8 And Joe says, "Yes."

9 Do you recall that portion of the controlled call?

10 A. Yes.

11 Q. And Casi says, "Makes me wonder if it was a legit deal or
12 if he pocketed the money."

13 Joe then says, "What was it, Avis? Not Avis, the
14 other one. Enterprise, right? Enterprise?"

15 And she said, "Yes, that was the restitution for
16 \$125,000.00."

17 Do you recall that conversation?

18 A. Yes, I do.

19 Q. And that's the one that we were just discussing, right --

20 A. Yes.

21 Q. -- where Joe DeLeon says, "I thought that was like 4- or
22 5,000"?

23 A. Yes, sir.

24 Q. Okay. Would it surprise you if up until that point Casi
25 Thompson had never said the word "Enterprise" or "restitution"

1 together ever?

2 A. No, sir.

3 Q. Is that a red flag for you?

4 A. No, sir.

5 Q. All right. Next red flag. This restitution amount, you
6 met with Casi upwards of -- we already said approximately ten
7 times until May 5, 2020, right?

8 A. Yes.

9 Q. In none of the recorded conversations with Casi does she
10 ever say it was \$250,000.00, does she?

11 A. I don't remember at what point in the investigation we
12 determined it was 250,000, but that was determined on the --
13 through the DOJ investigation of this -- this case.

14 Q. Okay. When you say we determined, what does that mean?

15 A. As an investigative team, that's what was determined.
16 There's a lot of different people working on this case
17 collaboratively, and so through that process evidence is
18 brought in.

19 Q. Sure. I understand that. But the victim in this case,
20 the alleged victim in this case, Casi Thompson, we agree?

21 A. Yes, sir.

22 Q. And in none of the recorded phone calls, interviews,
23 anything does she ever say that it was \$250,000.00, does she?

24 A. I don't recall it in the recorded conversations being a
25 factor that we requested her to ask.

1 Q. Okay. But even in the interviews where you guys are
2 asking her questions about the restitution, she never said it
3 was \$250,000.00, did she?

4 A. That's correct.

5 Q. All right. When did that happen?

6 A. When did what happen?

7 Q. The first time I heard \$250,000.00 from Casi Thompson's
8 mouth was in trial. So I'm wondering when she told you guys.
9 When did that happen?

10 A. I think that will be forthcoming in evidence. I don't
11 know the date or the actual timeframe that 250,000 was
12 determined to be the actual amount.

13 Q. Correct me if I'm wrong. She says restitution payment.
14 She says large check. Then you guys go and look through her
15 bank records and find a cashier's check for \$250,000.00, right?

16 A. I do know that a \$250,000.00 check was found --

17 Q. Okay.

18 A. -- through the Department of Justice analyst.

19 Q. And then what? Casi changed the number to \$250,000.00
20 after seeing that bank record?

21 A. I don't -- I don't know that Casi knew the --

22 MS. MAX: Objection, Your Honor, calls for
23 speculation.

24 THE COURT: Overruled.

25 A. I don't know that Casi knew the exact amount.

1 BY MR. GALLIAN:

2 Q. Okay. \$10,000.00 to you and I is a lot of money, is it
3 not?

4 A. Yes, sir.

5 Q. \$50,000.00 is a lot of money, is it not?

6 MS. MAX: Objection, sidebar.

7 THE COURT: Overruled.

8 A. Yes, sir.

9 Q. \$150,000.00 is a lot of money, is it not?

10 A. Yes, sir.

11 Q. Okay. Casi Thompson, when she recalled this restitution,
12 her memory or her story was off by \$125,000.00; is that right?

13 A. Her dollar amount was what she stated. That's all I can
14 tell you. I don't --

15 Q. And the difference between \$250,000.00 and \$125,000.00 is
16 \$125,000.00, right?

17 A. Yes.

18 Q. Okay. You didn't consider that a red flag?

19 A. I considered it an issue that needed to be investigated
20 further.

21 Q. Let's talk about some other stuff that Casi has never
22 said.

23 until trial Casi had never said on a recorded call or
24 an interview that Bill Stone held himself out as an FBI agent.

25 Do you agree?

1 A. No.

2 Q. Okay.

3 MR. GALLIAN: Sorry, Judge, we have papers all over
4 the place.

5 THE COURT: That's okay.

6 MR. GALLIAN: One brief moment.

7 THE COURT: Sure. Take your time.

8 Members of the jury, I have us going about another 20
9 minutes until lunch. Everybody okay?

10 All right. Take your time, counsel.

11 BY MR. GALLIAN:

12 Q. All right. So we'll find it. But in your investigation,
13 not only do we have your report, but we were also produced all
14 of the e-mails that you would send in this case; is that right?

15 A. Yes, sir.

16 Q. Okay. There are three e-mails in particular that you send
17 from 2019 through 2020 that reference his employment status.
18 Do you recall generally those e-mails?

19 A. That's been three years since I've seen those. His
20 status, I think, was in -- up for debate probably around that
21 time.

22 Q. Okay. But what you said in all of those e-mails was that
23 Bill Stone was former FBI holding himself out as CIA?

24 A. That is possible, yes. I think that is probably correct.

25 MR. GALLIAN: May I approach, Your Honor?

1 THE COURT: You may.

2 (Pause)

3 BY MR. GALLIAN:

4 Q. I just handed you an e-mail from August 17, 2020. If you
5 could read it, refresh your memory, and then I'll ask you some
6 questions.

7 (Pause)

8 A. Okay.

9 Q. Have you had a chance to review the whole thing?

10 A. Yes, sir.

11 MR. GALLIAN: May I approach, Your Honor?

12 THE COURT: You may.

13 (Pause)

14 BY MR. GALLIAN:

15 Q. I've just handed you two more e-mails, one from 2020 and
16 one from 2019. If you could also review those and let me know
17 when you're done.

18 (Pause)

19 A. Okay. I'm done.

20 MR. GALLIAN: May I approach, Your Honor?

21 THE COURT: You may.

22 (Pause)

23 BY MR. GALLIAN:

24 Q. Let's go earliest in time. It looks like you sent an
25 e-mail July 29, 2019, and sent to Heidi Prather? Prather?

1 A. Yes, sir.

2 Q. Someone in DPS?

3 A. Yes, sir.

4 Q. In that you say that Stone represents himself as a former
5 FBI agent and a current contractor for the CIA; is that right?

6 A. Yes, sir.

7 Q. Next in time, July 30, 2020, which we can agree is after
8 you interviewed Casi in May 2020, right?

9 A. Yes, sir.

10 Q. And in that e-mail to Jason Hester, another person
11 with DPS --

12 A. Yes, sir.

13 Q. -- "he," being Bill Stone, "has been passing himself off
14 as a CIA agent for several years now."

15 Did I read that correctly?

16 A. Yes, sir.

17 Q. And finally another e-mail, August 2020, that you sent to
18 William Casper and Jason Bobo, also with DPS?

19 A. Yes, sir.

20 Q. "Stone was purporting himself to be a contractor and CIA
21 agent after retirement."

22 Did I read that correctly?

23 A. Yes, sir.

24 Q. Okay. Now, when you sat down with Casi in May of 2020,
25 specifically May 5, 2020, do you recall Ivan Martinez being

1 there?

2 A. Yes, sir.

3 Q. And in that interview, Ivan Martinez asked Ms. Thompson
4 point-blank, like when you met him at the funeral, did he
5 share -- again, funeral, we're talking about Myrna's passing in
6 2015, correct?

7 A. Yes, sir.

8 Q. Okay. When you met him at the funeral, did he share
9 anything to you about his job, his job status, or his
10 employment?

11 Ms. Thompson said, yeah, he was working for the CIA.

12 Do you recall that portion?

13 A. I don't remember that -- no, I don't remember that
14 portion, but --

15 MR. GALLIAN: May I approach, Your Honor?

16 THE COURT: You may.

17 (Pause)

18 A. Yes, sir.

19 Q. Okay. All right. That's what Casi said, isn't it?

20 A. Yes, sir.

21 MR. GALLIAN: May I approach?

22 THE COURT: You may.

23 (Pause)

24 BY MR. GALLIAN:

25 Q. In this case Bill Stone is charged with impersonating an

1 FBI agent; is that right?

2 A. He is charged with impersonating an officer. I don't know
3 the exact arrest title offense.

4 Q. Okay. If I told you that the indictment read that he was
5 being charged with impersonating an FBI agent, not CIA, you
6 would have no reason to dispute that, correct?

7 A. Yes, sir.

8 Q. Casi comes in in this initial interview with you in July
9 of 2019. She sits down and she tells you the weird -- one of
10 the weirdest stories you've ever heard. Can we agree?

11 A. Yes.

12 Q. And in my opening I told the jury that this was the
13 weirdest case ever. It's a pretty good description of it,
14 don't you think?

15 A. Yes, sir.

16 Q. Okay. When Casi sat down and told you the story, if we
17 back the story up before the probation began, before the fake
18 probation in December of 2015, what was your understanding of
19 their relationship at that point, Bill and Casi?

20 A. Very distant.

21 Q. Explain more for me, please.

22 A. So she was in and out of rehab prior to this 2015 time
23 period and not much contact between the two.

24 Q. All right. When you say -- just so we're unequivocally
25 clear, when you say not a lot of contact, what does that mean

1 in your mind?

2 A. To -- what that means is not -- not a lot of -- not
3 physical contact, not communication by phone. I'm not saying
4 it didn't happen, I'm just saying it's not much at all.

5 Q. Okay. That was -- did you get left with this impression
6 that Bill Stone just kind of appeared around the funeral time?

7 A. I was left with the impression that he swooped in around
8 the time of the funeral time in a more aggressive posture.

9 Q. Sure. But based on them not really seeing each other and
10 not really talking, your impression of their relationship
11 before this probation was that there was very little, if any,
12 relationship. Would you agree with that?

13 A. Well, I think I would need to explain what I know is --
14 from the -- what I know that happened prior to 2015 to maybe
15 answer your question better.

16 Q. Okay. Well, maybe I -- sometimes I ask bad questions.
17 I think we can agree that Casi was discharged from
18 rehab in about January of 2015. Does that timeline sound
19 right?

20 A. I don't -- I don't know the timeline, sir.

21 Q. Okay. If she's out of rehab in 2015, from February 2015
22 to when Bill Stone retired from the FBI October 31, 2015,
23 explain to the jury in the most detail as you can, what was the
24 status of their relationship, Bill Stone and Casi?

25 A. Well, the status of the relationship was one in which she

1 knew Bill Stone because he was FBI prior to this whole 2015
2 forward investigation we've been talking about. She knew Bill
3 Stone. And how she knew Bill Stone is because of her drug
4 situation. Her meth addiction back in the day landed her in
5 jail. And when that happened, she contacted the FBI, ended up
6 talking to Bill Stone, and actually initially my understanding
7 is --

8 Q. And, Ranger Briley, I'm not trying to cut you off.

9 MR. GALLIAN: My apologies, Todd.

10 BY MR. GALLIAN:

11 Q. I want to keep it more to the -- we've heard this story
12 for hours.

13 A. Okay.

14 Q. I want to keep this more to 2015 time period, if we can.

15 A. Okay.

16 Q. So what was your understanding of their relationship in
17 February through October 2015?

18 A. From February 2015 to October 2015?

19 Q. Yes, sir.

20 A. I don't -- I don't know. I don't know. I would say
21 probably minimal contact, maybe talking on the phone some, not
22 much. They may have had a meeting before. I don't know.

23 Q. Okay. One more question about this. When you say some
24 phone contact, what's in your mind in terms of time?

25 A. I don't know.

1 MS. MAX: Objection, Your Honor, calls for
2 speculation.

3 MR. GALLIAN: His mind.

4 THE COURT: Overruled.

5 A. Seven times, 15 times. I don't -- I don't know.

6 Q. Okay. How long are those phone calls in your mind?

7 A. In totality?

8 Q. Sure.

9 A. Maybe three hours.

10 Q. Okay. Did Casi Thompson ever tell you that her and Bill
11 were intimate in 2015?

12 A. There was an -- there was a date in which there was some
13 type of intimate encounter, I think I recall in 2015 where they
14 went out to eat at a Mexican restaurant or something like that.
15 I don't know the details, but --

16 Q. March 2015?

17 A. That may be possible, yeah.

18 Q. Did that sound more like a meeting or a date to you?

19 A. It could be a date. I don't know. I wasn't there.

20 MR. GALLIAN: Your Honor, at this time we move to
21 publish what's already been admitted as Stone's Exhibit 182.

22 THE COURT: Granted.

23 BY MR. GALLIAN:

24 Q. So we went through the call records with Casi when she was
25 on the stand. Would it surprise you to learn that in

1 February 2015 Casi Thompson and Bill Stone talked on the phone
2 for 262 minutes?

3 A. That's quite a bit, but, you know, given the situation,
4 anything is possible. I don't -- that wasn't --

5 Q. Well, I agree, because I asked you for what you thought in
6 your mind was their contact from February to October, and you
7 said like three hours. This is four and a half hours by
8 itself, and that's only February. Is this news to you?

9 A. Yeah, I'm unaware of this.

10 Q. Okay.

11 MR. GALLIAN: Carly, if we can go to the next page,
12 please.

13 BY MR. GALLIAN:

14 Q. March is a long one.

15 MR. GALLIAN: We'll just go to page 3, please.

16 BY MR. GALLIAN:

17 Q. Would it surprise you that Bill Stone and Casi Thompson
18 talked on the phone for 418 minutes in March of 2015?

19 A. Again, it's -- I don't know that surprise is the accurate
20 word for me. It's more -- it's more of like insignificant in
21 that I don't draw any conclusions to it right now.

22 well, I take that back. I do draw conclusions to it,
23 but --

24 Q. Okay. 2015 is a relevant time period, because Bill Stone
25 is still in the FBI at this point. We agree?

1 A. Yes. October 3 --

2 Q. 31st, 2015.

3 A. Yes.

4 Q. So we will note that all of these phone calls are
5 happening generally after work hours?

6 A. Uh-huh.

7 Q. But they're talking a lot, are they not?

8 A. Yes, sir.

9 Q. Okay. If we could, we'll just zoom through these pretty
10 quickly.

11 MR. GALLIAN: April 2015. Let's go to page 5,
12 please, Carly.

13 BY MR. GALLIAN:

14 Q. April 2015, if this chart is correct, 418 minutes. Did I
15 read that correctly?

16 A. Yes, sir.

17 MR. GALLIAN: Next page, please.

18 BY MR. GALLIAN:

19 Q. May 2015, they talked for 201 minutes. Did I read that
20 correctly?

21 A. Yes, sir.

22 MR. GALLIAN: Next page.

23 BY MR. GALLIAN:

24 Q. June 2015, 185 minutes. Did I read that correctly?

25 A. Yes, sir.

1 Q. July 2015, 206 minutes. Did I read that correctly?

2 A. Yes, sir.

3 Q. August 2015, 196 minutes. Did I read that correctly?

4 A. Yes, sir.

5 Q. Okay. September 2015, 161 minutes. Yes?

6 A. Yes, sir.

7 Q. And finally, October 2015, 270 minutes. Did I read that
8 correctly?

9 A. Yes, sir.

10 Q. And when I used a calculator, I came up with approximately
11 40 hours. Any reason to dispute that?

12 A. No, sir.

13 Q. It's a little more than three. Would you agree?

14 A. Yes, sir.

15 Q. Is this a red flag to you?

16 A. It's something that -- I would call it a flag, like what's
17 the information behind this.

18 Q. Sure.

19 A. Yeah, I would look at it.

20 Q. Well, what's troubling about the investigation was that
21 Casi comes in and says this happened in November --

22 MR. GALLIAN: Sorry, Todd.

23 BY MR. GALLIAN:

24 Q. This happens in November, December of 2015, right?

25 A. Yes, sir.

1 Q. And when you guys start executing subpoenas or sending out
2 subpoenas for companies to send you information, you use the
3 date of November 2015 as a start, do you not?

4 A. I don't know.

5 Q. Okay.

6 A. I don't know those records.

7 Q. If I represented to you that all bank records, all call
8 records, everything that you got from subpoenas started in
9 November 2015, do you have any reason to dispute that?

10 A. I mean, if that's what the records are you have, I don't.

11 Q. Okay. Well, I have more records, because we subpoenaed
12 records all the way back to September of 2014. Were you aware
13 of that?

14 A. No, sir.

15 Q. Okay. You understand that in a criminal case the
16 Defendant has the presumption of innocence, right?

17 A. Yes, sir.

18 Q. I could literally sit at that table, fall asleep, do
19 nothing. And if the jury believes the Government hasn't proven
20 the case, Bill Stone is not guilty, right?

21 A. Yes, sir.

22 Q. But in this case we did an investigation, and are you
23 aware that we produced the Government 2,000 pages of records?

24 A. No, sir.

25 MS. MAX: Objection, Your Honor, assumes facts not in

1 evidence.

2 THE COURT: Overruled.

3 BY MR. GALLIAN:

4 Q. When we produced those records, did the Government ask one
5 of the main investigators, you, to look through those records?

6 MR. BUSCH: Your Honor, may we approach the bench?

7 THE COURT: Let's go ahead and take our break. We
8 are about a minute before lunchtime, so now sounds like a good
9 time for me.

10 All rise for the jury.

11 SECURITY OFFICER: All rise for the jury.

12 (Jury out)

13 THE COURT: Ranger, feel free to step down and take a
14 break if you need to. Thank you, sir.

15 All right. Please be seated.

16 All right. Outside the presence of the jury, what's
17 going on? What are we doing?

18 MR. BUSCH: Your Honor, the Government doesn't recall
19 receiving any discovery.

20 THE COURT: Okay.

21 MR. BUSCH: Not one page of discovery from the
22 defense. There may have been some productions, but --

23 THE COURT: Let's go ahead and let the ranger step
24 out.

25 MR. BUSCH: -- I don't recall receiving any discovery

1 in this case. The first time we saw any --

2 THE COURT: Oh, let's pause for just a moment.

3 Ranger, if you will step out. Thank you, sir.

4 Anybody else subject to the rule in here? I don't
5 want to mess up anybody's testimony.

6 Okay. Great.

7 MR. BUSCH: The first time we recall receiving any
8 documents from the defense was when they produced their
9 exhibits at the -- whatever that date was before the
10 February trial setting --

11 THE COURT: Okay.

12 MR. BUSCH: -- that I recall.

13 So there may have been some productions, but I just
14 asked Nicole and our litigation support person, and we don't
15 recall receiving any discovery whatsoever in this case, I think
16 from the either defendant.

17 THE COURT: Okay. So what's happening there?

18 MR. GALLIAN: Yeah. I think that it would be wise
19 for Mr. Busch to collect with his people and realize that we
20 produced all of these documents. I have nothing more to say
21 than that. I am 1,000 percent unequivocally correct that we
22 produced thousands of pages of records. We did it before
23 pretrial last time, and they've had them in our exhibits.

24 THE COURT: Okay. I tell you what, this is the kind
25 of thing where obviously I want to know what we've got. So if

1 everybody would, dial it down just a little bit. Hopefully
2 you've gotten from me I'll do what law requires and what the
3 evidence shows.

4 So if you'll take a look over lunch at your stuff,
5 and if you guys will check your paperwork too.

6 Yes, sir?

7 MR. GALLIAN: In addition, the Government used some
8 of our records for their own exhibits, so --

9 THE COURT: Okay. So if --

10 MR. BUSCH: Your Honor, may I respond to that?

11 THE COURT: You may.

12 MR. BUSCH: Again, none of that was discovery, met
13 none of the discovery deadlines in this court. And every time
14 we produced discovery to the defendants in this case, our
15 letter requested reciprocal discovery. We never got one
16 document from either defendant in reciprocal discovery.

17 what we did get was at the Court's scheduling
18 deadline for the February setting, we got exhibits from both
19 Defendants.

20 Government doesn't consider that to be discovery.
21 Those are exhibits that they intend to use in the case, but
22 that's not discovery.

23 THE COURT: Okay. Is there a distinction there that
24 the Court needs to be aware of?

25 MR. BUSCH: Distinction in the rules.

1 MR. GALLIAN: Tuesday, February 7th, my paralegal,
2 Carly Ray, sent an e-mail to Marcus Busch,
3 Marcus.Busch@usdoj.gov, Katherine Miller, Nicole LeBlanc, Frank
4 Sellers, and Greg Westfall, saying, "Good afternoon, please see
5 correspondence from Gregg Gallian attached. Documents have
6 been uploaded to the Dropbox link below." And that's what
7 compiled all of our stuff.

8 THE COURT: Okay. And so are those exhibits? Are
9 those -- I mean, I just -- I need more information from both of
10 you.

11 MR. GALLIAN: Of course, Your Honor.

12 And in addition, we had a letter that stated,
13 "Pursuant to the Government's request for -- for reciprocal
14 discovery dated January 11, 2023, please find Defendant William
15 Roy Stone, Jr. document production, Bates numbered Stone 000001
16 through 001673. At this time, Stone is producing reciprocal
17 discovery in good faith."

18 THE COURT: Okay. So Government, check your records,
19 defense counsel.

20 when we come back, if you guys come back five minutes
21 early, we'll take it up. If there's anything that this Court
22 has ruled on that's misleading, I will clear it up then, and
23 we'll come up with agreed language and so forth.

24 I want to make sure that what I said to the jury is
25 accurate. And so I'll let both sides be heard on it. I'm not

1 making any decisions. But just be ready to tee that up,
2 please, okay? And that will give hopefully everybody a chance
3 to take a look at stuff.

4 MR. WESTFALL: Your Honor, may I?

5 THE COURT: Oh, yes. I'm sorry.

6 MR. WESTFALL: I think in Marcus's last sentence he
7 lumped us in that also. Did I hear that correctly?

8 MR. BUSCH: I think so.

9 MR. WESTFALL: Okay. Everything that we are
10 introducing in this trial was something the Government gave us,
11 so there was no Rule 16 reciprocal discovery for us to give.

12 THE COURT: Okay. Yes.

13 MR. SELLERS: We have our witness here, Retired Chief
14 Mendoza that we all agreed.

15 THE COURT: Okay. Sure.

16 MR. SELLERS: I wanted to remind the Court.

17 THE COURT: I appreciate that.

18 MR. SELLERS: Yes, ma'am.

19 THE COURT: And is there anything else we need to put
20 on the record before we go to lunch?

21 Anything from the Government before we go to lunch?

22 I'll let everybody tee this up. I don't -- hopefully
23 you'll have an opportunity to look at the records and all that
24 stuff, and I'll flesh it out and let everybody be heard.

25 okay. Off the record.

1 (Discussion off the record)
2 SECURITY OFFICER: All rise.
3 (Recess)
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1 I, TODD ANDERSON, United States Court Reporter for the
2 United States District Court in and for the Northern District
3 of Texas, Dallas Division, hereby certify that the above and
4 foregoing contains a true and correct transcription of the
5 proceedings in the above entitled and numbered cause.

6 WITNESS MY HAND on this 3rd day of August, 2023.

7
8
9 /s/Todd Anderson

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